

STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES  
-----X

IN THE MATTER OF:

CAMPAIGN SPENDING IN MAIN HOUSE OF  
REPRESENTATIVES, DISTRICT ONE

-----X

January 17, 2013

HELD AT: County of Kennebec  
State of Maine

BEFORE: WALTER F. MCKEE, ESQ., Chair  
MICHAEL T. HEALY, ESQ.  
ANDRE G. DUCHETTE, ESQ.  
MARGARET E. MATHESON, ESQ.  
HON. JANE A. AMERO

COMMISSION STAFF: JONATHAN WAYNE, ESQ., Executive Director  
PHYLLIS GARDINER, ESQ., Commission  
Counsel

APPEARANCES: JULIE DAIGLE  
DENNIS MICHAUD  
JAMES MAJKA  
DANA SAUCIER  
L. PHILIP SOUCY  
WILLIAM P. LOGAN, ESQ., Counsel for Mr.  
Soucy  
HON. A MICHAEL NADEAU  
TIMOTHY C. WOODCOCK, ESQ., Counsel for  
Rep. Nadeau

TRANSCRIBER: KRISTINA WAGSTAFF  
LINDA BACHELLER

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## E X H I B I T S

<u>PETITIONER:</u> <u>IDENTIFICATION</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>IN EV.</u>
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<u>RESPONDENT:</u> <u>IDENTIFICATION</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>IN EV.</u>
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1 COMMISSIONER WALTER MCKEE: Ethics and  
2 Elections Practices. We have an agenda regarding  
3 part of that. We're now on item six. We're here in  
4 the DHS offices and we're going to use their video  
5 equipment. This is a hearing on potential campaign  
6 finance violations, Maine House of Representatives  
7 District One. We're holding hearings to receive  
8 sworn testimony concerning expenditures by Philip  
9 Soucy, Jim Majka, and others to promote the election  
10 of Michael Nadeau to the Maine House of  
11 Representatives District One. The strict procedure  
12 that we've established is we're going to receive  
13 testimony from two individuals over the telephone.  
14 We're then going to receive testimony through the  
15 video conferencing and then we're going to receive  
16 testimony here from people in connection with this  
17 matter. The Commission staff and the attorney for  
18 the Commission will ask the questions first.

19 MS. JULIE DAIGLE: Hello?

20 COMMISSIONER MCKEE: Stand by. Cross-  
21 examination by Mr. Woodcock and Mr. Logan on behalf  
22 of your clients will follow. Commissioners will have  
23 an opportunity to ask questions and then seeing how  
24 that goes, we'll determine whether we need to have  
25 follow-up questions from either the Commission staff

1 and counsel and the attorneys for Mr. Nadeau and Mr.  
2 Soucy. The first thing we're going to do is take a  
3 telephone testimony, and is this Julie Daigle?

4 MS. DAIGLE: It is.

5 COMMISSIONER MCKEE: Hi, Julie. This is  
6 Walt McKee. I'm the chair of the Maine Ethics  
7 Commission and you're on speakerphone with a number  
8 of people here. We're here concerning a potential  
9 campaign finance violation issue and we wanted to  
10 take your sworn testimony today. Are you ready and  
11 able to testify?

12 MS. DAIGLE: Yes.

13 COMMISSIONER MCKEE: All right. Could you  
14 state your name for the record please?

15 MS. DAIGLE: Julie Daigle.

16 COMMISSIONER MCKEE: All right. And could  
17 you raise your right hand, and we'll trust it's your  
18 right hand that you're raising. Do you solemnly  
19 swear to tell the truth in this public hearing today?

20 MS. DAIGLE: I do confirm.

21 COMMISSIONER MCKEE: Thank you. All right.  
22 Go ahead.

23 J U L I E D A I G L E, having been first  
24 duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MR. JONATHAN WAYNE

2 Q: Ms. Daigle, this is Jonathan Wayne. Thank you  
3 for participating today. Could you tell the Commission  
4 where you work?

5 A: I work at Fiddlehead Focus in Fort Kent, Maine.

6 Q: And what is Fiddlehead Focus?

7 A: A community newspaper.

8 Q: And how often is it published?

9 A: Well, it's primarily a web-based paper so it's  
10 published daily but there is a print version that's  
11 published once a week.

12 Q: And what day of the week is it published on?

13 A: Wednesday.

14 Q: And what's your position there?

15 A: I am currently a reporter and web editor. At the  
16 time, I was director of special sections.

17 Q: Okay. Let's focus on that. What did you do as  
18 the director of special sections?

19 A: It's advertising, a special advertising section  
20 in the paper that is oriented around [phone cuts out].

21 Q: And is part of your job, at that time, selling  
22 advertising?

23 A: Yes, selling advertising and building ads.

24 Q: And if the--focusing on the paper version of the  
25 newspaper, if it is published on a Wednesday, is there

1 kind of a crunch period of when the staff of the newspaper  
2 is putting it together?

3 A: Absolutely.

4 Q: And when is that crunch time?

5 A: The crunch time starts around Monday noon. There  
6 is a color section. We--I'm going to back up. We don't  
7 print the paper here at the office; we send it out. So,  
8 around Monday noon, there is a--we start looking at a  
9 deadline for [phone cuts out] sections and then, of  
10 course, there's another deadline on Tuesday so that the  
11 entire paper gets out in time for the distribution.

12 Q: Okay. Thank you. If someone wants to purchase  
13 an ad in color, is there a regular day of the week or a  
14 time period by when the paper likes to receive the ad?

15 A: Yeah, and that's the [phone cuts out] again.  
16 However, you know, we're in a small town and a small  
17 newspaper; you accommodate the customers, but generally we  
18 like to have it in Monday at noon.

19 Q: You know, Ms. Daigle, I have noticed in talking  
20 to your paper staff that the phone line comes in and out  
21 just a little bit, so we missed your answer then. When is  
22 the time period by when a color ad should be received by  
23 the paper?

24 A: The general deadline or the technical deadline is  
25 Monday at noon, but I would clarify that it's a small town

1 and it's a small newspaper. We do [phone cuts out] with  
2 our customers, so while Monday noon is the general  
3 deadline, [phone cuts out] uncommon for us to be, you  
4 know, extending that as much as we can to accommodate our  
5 customers.

6 Q: That's great. Thank you. And does a customer  
7 who's buying a political ad need to pay in advance of the  
8 publication of the ad or is that not a requirement?

9 A: It is not a requirement. Generally billing goes  
10 out after the paper is published.

11 Q: Was there a special section in the newspaper  
12 published for Wednesday, October 31st?

13 A: Yes.

14 Q: And did that section contain political  
15 advertisements for the upcoming election?

16 A: Yes, that was the--sort of the seed of the  
17 special section was the upcoming election.

18 Q: And do you know Mike Nadeau?

19 A: Personally or--

20 Q [Interposing] Just do you know who he is.

21 A: Yes.

22 Q: And does he advertise sometimes in the newspaper?

23 A: I think we're familiar with that. I believe--  
24 yes, he is in advertisement on a previous [phone cuts out]  
25 but again, my focus of him was very narrow on the special

1 section.

2 Q: I see.

3 A: And--yes.

4 Q: Was there an occasion when you met with Mike  
5 Nadeau to discuss some possible advertising for the  
6 October 31st special section?

7 A: Yes, that would have been the end of [phone cuts  
8 out], so, you know, Thursday or Friday before Wednesday,  
9 October 31st.

10 Q: Okay. I--unless there are any objections, I  
11 might try to--if there's an instance where we can't hear  
12 you, my--well, I might just clarify my understanding and  
13 make sure I heard that correctly. Did you say you met  
14 with Mr. Nadeau towards the end of the previous week  
15 before October 31st?

16 A: Yes.

17 Q: Okay. And where did that conversation take  
18 place?

19 A: At his place of business, Mike and Sons [phone  
20 cuts out].

21 Q: And did he say what kind of advertising he was  
22 interested in?

23 A: Yeah.

24 Q: What did he say?

25 A: What we discussed was two separate ads; one was



1 an ad for his business, so nothing to do with the  
2 campaign, and another was an ad for the campaign. Again,  
3 I clarify that that wasn't unusual. The special section  
4 was - - . We were getting businesses that simply wanted  
5 the kind of special exposure in that section, so nothing  
6 particularly political oriented.

7 Q: Just to make sure we heard you correctly, he was  
8 interested in one ad for his business and one ad for his  
9 political campaign; was that correct?

10 A: Yes, both for the special section.

11 Q: And did you discuss options for what were  
12 possible sizes for the ads?

13 A: Yes.

14 Q: And did he indicate whether he wanted his  
15 political ad to be black and white or in color?

16 A: What we discussed were possibilities, and we had  
17 discussed the possibility of color because we were able to  
18 offer him a special deal on color in that section.  
19 Nothing was definitive but we did discuss color.

20 Q: Great. And did you provide him anything in  
21 writing that had costs on it?

22 A: Yes. We have a pricing sheet and what we  
23 discussed and what he wrote down on the pricing sheet was  
24 the special offers that we were proposing for him. So,  
25 the pricing sheet is the usual prices and then he wrote

1 down the, you know, the special offers.

2 Q: Okay. So, that was the meeting towards the end  
3 of the week, the previous week, before the October 31st  
4 special section. Was there any follow-up conversations  
5 between you and Mr. Nadeau?

6 A: Yes.

7 Q: When?

8 A: I checked back with him because when we left the  
9 conversation where I had visited him at his business, he  
10 said that he would get back to me; nothing was definitive.  
11 So, I checked back with him on Saturday and he said let me  
12 get back to you on Monday morning.

13 Q: Did you talk with him Monday morning?

14 A: Yup, as the deadline--that 12:00 noon deadline--  
15 came closer, I gave him a call several times in the  
16 morning. He was out, presumably preparing for, you know,  
17 for the campaign. So, he was hard to get a hold of. I  
18 tried to get a hold of him a couple of times. Actually,  
19 I'd say I think it might have been even as much as [phone  
20 cuts out] and eventually did contact him.

21 Q: Okay. So, if this is the Monday, two days before  
22 the October 31st section, would this--I'm just doing the  
23 math in my head--do you think this would have been Monday,  
24 October 29th?

25 A: Yes.

1           Q:    Okay.  And did you say that you had provided him  
2                with some kind of timeframe for when he would be  
3                submitting his political ad?

4           A:    Well, when we had originally talked, I had  
5                assumed that we would be building or we would be making  
6                the ad.  When I spoke with him on Monday morning, he  
7                indicated that he was going to provide the ad.  So, some  
8                of our customers will mail us--it's in email usually--a  
9                fully completed ad, and when I discovered that he was  
10              planning on emailing a fully-completed ad, we extended the  
11              deadline to, I think it was 2:30 in the afternoon.  So, we  
12              extended the deadline that the ad needed to be in later  
13              because we didn't need to work on it.

14          Q:    Okay.  Is it possible that the deadline for him  
15                to submit the ad that you provided him could have been,  
16                you know, a little later than 2:30 or a little before  
17                2:30?

18          A:    Yeah, there's--you know, again, we try to work  
19                with our customers, so, you know, if they need a little  
20                extra time or whatever, it's--yes.

21          Q:    What I'm really getting at is it sounds as though  
22                you don't quite remember the exact time that you provided  
23                to him but it was somewhere around 2:30; is that right?

24          A:    Yes, that's correct.  I think it was somewhere  
25                around 2:30.

1 Q: So, did you expect him to deliver the ad to the  
2 newspaper or to get it to you somehow?

3 A: Yeah. What I expected was that it would be  
4 emailed to [phone cuts out].

5 COMMISSIONER MCKEE: You cut out there. We  
6 missed the last part of it.

7 A: I expected it to be emailed to me.

8 Q: Did Mike Nadeau ever email you the political ad?

9 A: No.

10 Q: Did he contact you to say that he was not coming  
11 or not delivering the ad?

12 A: No, he did not.

13 Q: Did the Fiddlehead Focus ultimately publish an ad  
14 promoting Mike Nadeau in that section though?

15 A: We did.

16 Q: And how did you hear that the newspaper was going  
17 to be publishing an ad promoting Mike Nadeau?

18 A: It's a small office and I overheard other members  
19 of the office discussing [phone cuts out] Mike Nadeau's  
20 ad. I think he was discussing some element in the ad,  
21 which is when I became aware that [phone cuts out]  
22 communicated with us about the ad just with another member  
23 of the sales department.

24 Q: I see. And what was your reaction to hearing  
25 that an ad promoting Mike Nadeau was being presented to

1 the newspaper?

2 A: Probably confusion - - . I mean, it was the - -  
3 .

4 Q: Did you inquire what--well, I withdraw that. And  
5 did you ever talk to Jim Majka about an ad for Mike  
6 Nadeau?

7 A: I [phone cuts out], no.

8 Q: But you do know who Jim is?

9 A: I do know who Jim is.

10 Q: But you never talked to him about an ad for Mike  
11 Nadeau?

12 A: I never talked to him, no.

13 Q: Okay. Well, I--those are all the questions for  
14 me.

15 COMMISSIONER MCKEE: All right. Stand by.  
16 We have a couple of attorneys here who may want to  
17 ask you some questions. Do you all have some  
18 protocol - - go first.

19 MR. WOODCOCK: We don't really have a  
20 protocol.

21 COMMISSIONER MCKEE: Do you have any  
22 questions?

23 MR. WOODCOCK: I don't really have any  
24 questions.

25 COMMISSIONER MCKEE: All right. It doesn't

1 appear we have any other questions for you. Thank  
2 you for your testimony. Stand by. Do the  
3 Commissioners have any questions? All right. Thank  
4 you very much.

5 [Crosstalk]

6 COMMISSIONER MARGARET MATHESON: Sorry. The  
7 name of the business was Mike and Sons; am I correct?  
8 It's not this Nadeau House - - , right?

9 MS. DAIGLE: No, that's--

10 MS. MATHESON: [Interposing] Okay.

11 MS. DAIGLE: That's correct.

12 COMMISSIONER MATHESON: Thank you.

13 COMMISSIONER MCKEE: Any other questions  
14 from the Commissioners? Okay. Thank you for  
15 participating.

16 MS. DAIGLE: Thank you.

17 COMMISSIONER MCKEE: We've got to call  
18 another--

19 MR. WAYNE: [Interposing] Yeah, next is  
20 we'll be calling Dennis Michaud.

21 [Background Discussion]

22 MR. DENNIS MICHAUD: Hello. This is Dennis  
23 from Fiddlehead Focus.

24 MS. CINDY PHILLIPS: Good morning, Dennis.  
25 This is Cindy Phillips calling from the Maine Ethics

1 Commission.

2 MR. MICHAUD: Yeah.

3 MS. PHILLIPS: For a hearing, and Walt McKee  
4 is here to speak to you.

5 MR. MICHAUD: Okay.

6 COMMISSIONER MCKEE: Mr. Michaud, I'm Walt  
7 McKee and I chair the Maine Ethics Commission and  
8 you're on a speakerphone. There are a number of  
9 people in the room. We're having a hearing on  
10 potential campaign finance violations and I  
11 understand you might have some information for us.

12 MR. MICHAUD: Okay.

13 COMMISSIONER MCKEE: Before you speak, I  
14 want to swear you in. Could you state your full name  
15 for the record please?

16 MR. MICHAUD: Sure. It's Dennis Paul  
17 Michaud.

18 COMMISSIONER MCKEE: And could you raise  
19 your right hand please?

20 MR. MICHAUD: Sure.

21 COMMISSIONER MCKEE: Do you solemnly swear  
22 or affirm to tell the truth at this public hearing  
23 today?

24 MR. MICHAUD: I do.

25 COMMISSIONER MCKEE: All right. You're

1           going to be receiving some questions from the staff  
2           of the Ethics Commission and then, perhaps, the  
3           attorneys for the other people involved here.  
4           Jonathan, go right ahead.

5                         D E N N I S   M I C H A U D, after having  
6           been duly sworn, testified as follows:

7         DIRECT EXAMINATION

8         BY MR. JONATHAN WAYNE

9           Q:    Thank you for participating, Mr. Michaud.  Maybe  
10           so everyone can understand the logistics, could you just  
11           mention what your scheduling issue was and where you are  
12           right now?

13           A:    Currently right now I'm in the parking lot in  
14           Presque Isle.  I was on my way to a doctor's appointment  
15           scheduled for 11:00, so I wasn't able to be in the office  
16           at this time.

17           Q:    Thanks a lot for taking the call.  Where do you  
18           work, sir?

19           A:    I work at Fiddlehead Focus.

20           Q:    And what's your position at the newspaper?

21           A:    I'm the lead sales executive for advertising.

22           Q:    So, one of your jobs is selling advertising; is  
23           that right?

24           A:    Correct.

25           Q:    Did the newspaper have a special section on



1       October 31st?

2           A:    Yes, it did, and it had to do with the political  
3       heads and all advertisement for political issues that were  
4       arising from November 6th election.

5           Q:    Okay.  And did Jim Majka purchase an ad in the  
6       paper for that October 31st section?

7           A:    Correct.  Yes, he did.

8           Q:    And how did he contact the paper to make the  
9       purchase?

10          A:    Well, actually, he came--he walked into the  
11       office and he had money in hand and he asked for an  
12       advertisement in the paper, so I got all the information  
13       out to show him what kind of sizes for advertising we had.  
14       He pretty much stated he wanted a half-page ad and so I  
15       told him what the price was for the half-page ad, and he  
16       handed me the money and then he handed me a sheet of  
17       paper, a lined paper that had information on it for the  
18       ad.

19          Q:    Okay.  Thank you.  You've just anticipated about  
20       ten of my questions, so thank you very much.  What did he  
21       say--what was the purchase, I mean, the purpose of the ad  
22       please?

23          A:    The purpose of the ad was for an advertisement  
24       for Mike Nadeau for the special section for the election  
25       for November 6th.

1 Q: And we originally wanted to show you a number of  
2 exhibits and have you authenticate what they were, but  
3 because you are in the car today, we only asked you to  
4 bring one exhibit with you.

5 A: Okay.

6 Q: Were you able to bring that?

7 A: Yup. I brought all three of them.

8 Q: Oh, you did?

9 A: Yes.

10 Q: Well, in that case, I mean, if it's handy--

11 A: [Interposing] Sure.

12 Q: --could you pull out exhibit 21 please?

13 A: Yes.

14 Q: That was the first of the three pages.

15 A: Yes.

16 Q: Do you recognize that?

17 A: Yeah, the right bottom corner there, the half-  
18 page ad, is the ad I created for Mr. Majka.

19 Q: Okay. And did he have an idea on what the ad  
20 should say?

21 A: Yes. Actually he had it all prewritten, already  
22 on the sheet of line paper when he came into the office,  
23 so I just went off of that information that he had given  
24 me on that lined sheet of paper.

25 Q: Okay. I'm going to draw your attention to the

1 next exhibit, which is 22.

2 A: Okay.

3 Q: Is that the lined sheet of paper that Mr. Majka  
4 handed you?

5 A: Correct. Yes, it is.

6 Q: And this may be repetitive, but did you say he  
7 had it with him at the time he arrived?

8 A: Yes, he did.

9 Q: So, he didn't write it in front of you?

10 A: No, he didn't write it in front of me; everything  
11 was prewritten when he came in. The only thing that is  
12 not written on there that probably wasn't written on there  
13 when he came in was at the bottom right corner, I wrote  
14 his telephone number and his name at the bottom of the  
15 page there. So, that's my handwriting at the bottom  
16 there.

17 Q: Okay. Thank you. So, just drawing your  
18 attention to the bottom of that page, the handwriting that  
19 starts with the check box,--

20 A: [Interposing] Yes.

21 Q: --that was what he indicated was going to be the  
22 text for the ad?

23 A: Correct. Yes, it was.

24 Q: Okay. Thank you. Did you quote him a price for  
25 that ad?

1           A:    Yeah.  I had told him the original price was \$300  
2           but we were offering 10% off for our special section, so  
3           it was going to be \$270, but I never pre-quoted him so I  
4           stick with the first contact that I had with him for that  
5           day.

6           Q:    Did you say he walked in with \$300; was that the  
7           amount you mentioned?

8           A:    Correct.

9           Q:    So, he--

10          A:    [Interposing] Correct.  He already had \$300 in  
11          hand.

12          Q:    So, did you get the sense that he already knew  
13          the cost of--

14          A:    [Interposing] I--

15          Q:    --the ad?

16          A:    I did.  Actually I did have that sense, and  
17          that's why I asked when I looked at the sheet of paper  
18          closely, he had the name of Julie Daigle written in the  
19          center of it.  So, I had asked him if he had already spoke  
20          to her for the sales of this ad and he said he,  
21          personally, had not, but it didn't mean somebody else from  
22          the campaign had.  So, I said okay and that was pretty  
23          much it, but that's pretty much it.

24          Q:    Well, you know, one of the things we're trying to  
25          figure out here is whether or not this was connected to

1 the campaign. So, I want to ask you to be real cautious  
2 on this next question. Did he say--

3 A: [Interposing] Sure.

4 Q: Did he say--did he mention the campaign or did he  
5 say something in a more general way about Julie Daigle?

6 A: Nope. He didn't say anything any more specific  
7 about Julie Daigle. He said it didn't mean that somebody  
8 else had spoke with her, so I don't know if he meant the  
9 campaign or--I just assumed the campaign, because all day  
10 we had one after another after another of different  
11 campaign people or representatives coming in for  
12 advertising.

13 Q: Okay. So, you said he paid in cash; is that  
14 correct?

15 A: That is correct; three \$100 bills.

16 Q: Did he take those three \$100 bills out of some  
17 kind of container, like a wallet or a bank envelope or  
18 something?

19 A: No, I believe he had it in hand.

20 Q: Did you say he had it in his hand when--

21 A: [Interposing] Correct.

22 Q: --the--

23 A: [Interposing] Correct.

24 Q: You're referring to when you first saw him or  
25 when he walked in the office?

1           A:    I didn't see it in his hand at first, but once I  
2 mentioned that it was \$300, I noticed that he had it in  
3 his hand. His hand could have been in his pocket earlier.  
4 I didn't see on the other side of the counter.

5           Q:    Okay. Thank you. And did you give him--if the  
6 price with the discount was \$270 and he had \$300, did you  
7 give him any change?

8           A:    I did not have any change that day because we  
9 hadn't had time to go to the bank yet that morning, so I  
10 wrote him a receipt showing that I owed him \$300. He told  
11 me not to worry about it, that he would be back anyway to  
12 proof the ad and then that's when I got his cell phone  
13 number so that way I could give him a call when the ad was  
14 ready to be proofed.

15          Q:    And when you say proofed, that means he expected  
16 to see a proof of the ad, like an image of the ad; is that  
17 right?

18          A:    Correct, correct.

19          Q:    You know, I neglected to ask when this  
20 conversation took place in relation to the Wednesday,  
21 October 31st section.

22          A:    I believe it happened on October 25. That would  
23 have been actually a Friday, and then our deadline for  
24 color was 3:00 p.m. Well, actually deadlines for ad, in  
25 fact, that week was 3:00 p.m. on Monday.

1           Q:   Is there any possibility that he came in on  
2 Monday the 29th? I mean, given this--

3           A:   [Interposing] It's a good possibility because  
4 Friday and Monday, they're all kind of blended in. I know  
5 there's a weekend in between there but it was quite hectic  
6 on those two days. So, I'm not positively sure but there  
7 is a good possibility that it probably was on Monday.

8           Q:   That's fine. I just want to underscore that we  
9 know these events took time some time ago and, you know,  
10 we don't expect all our witnesses to have perfect memory  
11 of when they have every conversation. So, if there is  
12 something that you don't quite remember or don't know,  
13 please, you know, don't feel obliged to come up - -  
14 definite than you are.

15          A:   Okay.

16          Q:   Did you give him--would you have given him any  
17 kind of receipt?

18          A:   Any what now? Can you repeat that?

19          Q:   A receipt.

20          A:   A receipt? I did give him a handwritten receipt  
21 because our computer for QuickBooks was being occupied at  
22 the time, so I had given him a handwritten receipt stating  
23 that I still owed him \$30.

24          Q:   Okay. If I can draw your attention to the last  
25 document that I had--

1           A:    [Interposing] Sure.

2           Q:    --provided to you.  It's number 23.  Could you  
3 tell us what that represents?

4           A:    That is the invoice that we would be sending to  
5 Mike Nadeau Campaign from Fiddlehead Focus, showing the  
6 total cost for the original ad minus the 10%, and then  
7 also the color service because they actually wanted color  
8 service afterwards.

9           Q:    Okay.  And how is this type of invoice generated?

10          A:    It's generated in QuickBooks usually a few days  
11 later, after we've made the sales and we've caught up with  
12 the paper and everything else.

13          Q:    So, it is your practice to give a handwritten  
14 receipt at the time the purchase is made and then that's  
15 what they walk out with, but an invoice is--this  
16 electronic-type invoice is produced at a later time?

17          A:    Correct.

18          Q:    Okay.

19          A:    Especially on Mondays and Tuesdays when we  
20 produce the paper.

21          Q:    Okay.  This is another occasion where I want to  
22 be precise because one of the things we're trying to  
23 understand is whether Jim Majka's purchase was made  
24 independent by him or in connection with the campaign.

25          A:    Okay.



1           Q:    So, I want to be real clear about your answers  
2           here. The bill to name, the account name that this was--  
3           it says Mike Nadeau Campaign, Mike and Sons. Help us  
4           understand why it says that when Jim Majka was buying the  
5           ad.

6           A:    Well, what it is is with Mike Nadeau, he also  
7           owns Mike and Sons. It's a business in town here, and  
8           just for his records, it was a receipt that was put  
9           together showing that he did have an ad so that we could  
10          have it recorded into our computer.

11          Q:    Okay. That might be something that someone wants  
12          to follow up on but I'm--

13          A:    [Interposing] Sure.

14          Q:    --going to leave that there for a second. When  
15          political groups or organizations buy ads promoting  
16          candidates, does the paper put any kind of a statement on  
17          an advertisement about who paid for the ad?

18          A:    Yes, we have to actually. We have to state who  
19          paid for the advertisement on each advertisement.

20          Q:    So, when Jim Majka came in, were you under the  
21          impression that he was coming in as part of any kind of an  
22          organization or a group?

23          A:    I was under the impression he was coming in to  
24          get an advertisement for the campaign but he was saying he  
25          was doing it as a friend. I don't know how he said it but

1 I think that it seemed like he was doing it because he was  
2 Mike Nadeau's friend and getting an ad for him.

3 Q: So, did you discuss what the disclaimer should  
4 say?

5 A: I did. Right before he left, I had asked him who  
6 should I state at the bottom of the ad the advertisement  
7 was being paid for, and he said to place paid for by Jim  
8 Majka.

9 Q: So, just to be clear--and if you don't remember,  
10 that's okay--but what did he say about--could you just go  
11 over that testimony again about whether--what did he say  
12 about--on whose behalf was he buying this ad?

13 A: I had asked him right before he left who was  
14 going to pay for the ad, or who should I state paid for  
15 the advertisement, because we have to place it at the  
16 bottom of the ads, and he just stated to please put it as  
17 paid for by Jim Majka.

18 Q: Okay. So, after that, did you create a proof of  
19 the ad based on the language that Mr. Majka had given to  
20 you?

21 A: Correct. Yes, I did that evening.

22 Q: And did Mr. Majka have a chance to review that  
23 proof?

24 A: Yes, he did, the following morning.

25 Q: And where was that?

1           A:    That was in the office.  Jim came in.  I was on  
2           the phone so he spoke with a publisher a little while,  
3           while I got off the phone, and then I brought up the  
4           advertisement and I showed him the advertisement and he  
5           asked if it was going to look like that in the paper and I  
6           said minus the color, that it was going to be in  
7           grayscale, and he asked how much more for a color, that he  
8           liked the color advertisement, and I said it would be \$150  
9           more for the color added to the ad.  He agreed to it and  
10          paid the \$150, minus the \$30 that I had owed him.

11          Q:    So, he gave you another \$120?

12          A:    Correct.

13          Q:    And how did he pay that to you?

14          A:    It was in cash, all 20s, I believe, out of his  
15          pocket.

16          Q:    Okay.  Just drawing your attention back to  
17          exhibit 22, those handwritten notes, at the top it says  
18          Fiddlehead ad by 3:00.  What did you make of that?  I  
19          mean, did you notice that?

20          A:    I did notice that and that's why I brought up the  
21          question if he had spoken to Julie Daigle prior, because  
22          her name was on this sheet, and also because it said  
23          Fiddlehead ad by 3:00 and that was our deadline to have  
24          the ad in to us so that way we can create the ad.  So, I  
25          pretty much assumed he had spoken to somebody but he said

1 he had not. So, there might have been somebody else that  
2 came into the office and asked about information on this.

3 Q: My last question is could you just clarify for us  
4 what was the--what led you to believe that Mike Nadeau  
5 might--I'm sorry. What led you to believe that Jim Majka  
6 might have been coming to the office on behalf of the  
7 Nadeau campaign? I'm still a little unclear on that.

8 A: Just seeing Jim Majka and Mike Nadeau around in  
9 the community and over at their campaign office, I guess I  
10 assumed that Jim Majka was part of the campaign.

11 Q: Okay.

12 A: And that's how I made that assumption.

13 Q: Okay. Thank you.

14 MR. WAYNE: I don't have any other  
15 questions.

16 COMMISSIONER MCKEE: Mr. Woodcock, any  
17 questions?

18 MR. TIMOTHY WOODCOCK: Yes, just a couple of  
19 questions.

20 CROSS-EXAMINATION

21 BY MR. TIMOTHY WOODCOCK

22 Q: I gather from your testimony that it was your  
23 impression from observing Mr. Nadeau and Mr. Majka around  
24 town, that they were, in fact, friends?

25 A: Yes.

1           Q:    And when you asked Mr. Majka to provide you with  
2           the information on what the disclaimer should read, did  
3           you make it clear to him that that had to be accurate  
4           information?

5           A:    I was under the assumption that it was accurate  
6           by him stating that he wanted it to state that he paid for  
7           the ad.

8           Q:    And that the newspaper was obligated to put  
9           accurate information on the disclaimer; is that correct?

10          A:    Yes.

11          Q:    You made that clear to him?

12          A:    Yes.

13          Q:    And the--did you generate the invoice--you,  
14          yourself, generate the invoice.

15          A:    No, I did not. It was Andrew Burden [phonetic],  
16          our publisher that generated the printed invoice. The  
17          handwritten invoice I did, but that is actually shredded  
18          once we create the printing invoice.

19          Q:    Do you know whether your paper, at any time  
20          before this October 31 edition, run any political  
21          campaigns or--excuse me--political campaign ads for the  
22          Nadeau campaign?

23          A:    No. Actually I think this was their first  
24          political ad for the campaign.

25          Q:    And had you run any--have you ever run any

1 business ads for Mike and Sons?

2 A: Yes.

3 Q: You had?

4 A: Yes, I had, two or three weeks before the  
5 campaign and then a week of the campaign.

6 Q: All right.

7 MR. WOODCOCK: That's all I have. Thank  
8 you.

9 COMMISSIONER MCKEE: Mr. Logan, any  
10 questions?

11 MR. LOGAN: Yes.

12 CROSS-EXAMINATION

13 BY MR. WILLIAM LOGAN

14 Q: Mr. Michaud, did you have any discussion with  
15 Andrew Burden about creating the invoice?

16 A: Yes. Actually I had given him the handwritten  
17 invoice, stating that this was the invoice for the cash  
18 payment that Jim Majka had given me. So, Andrew Burden  
19 was the one who placed all the information into the  
20 computer.

21 Q: So, you simply handed him a handwritten invoice  
22 and said you need to create an invoice in QuickBooks and  
23 left it at that?

24 A: Yes.

25 Q: All right. Did he have a copy of the ad as well?

1 A: Do I have a copy of the ad?

2 Q: Was Mr. Burden provided a copy of the ad as well?

3 A: Oh, yes, yes.

4 MR. LOGAN: That's all I have.

5 COMMISSIONER MCKEE: Okay. Questions of  
6 Commissioners?

7 COMMISSIONER MICHAEL HEALY: I have a  
8 question.

9 EXAMINATION

10 BY COMMISSIONER MICHAEL HEALY

11 Q: Commissioner Healy, Mr. Michaud. Looking at  
12 exhibit 23, do you have any recollection of what the  
13 handwritten invoice stated as to from whom you received  
14 the money?

15 A: Yeah, actually the handwritten invoice, I put  
16 always the name of the person who gave me amount, if it  
17 was paid cash or check, what kind of--like, if it was,  
18 like, 20s or 100s, I write that on there. Then I click  
19 paid, then I sign my signature on the bottom so that way  
20 it shows that I received the money from them.

21 Q: Okay. And in your handwritten invoice, do you  
22 recall whether it reflected you received the money from  
23 Mr. Majka--if I'm pronouncing his name correctly--or from--  
24 -

25 A: [Interposing] Yeah, from Mr. Majka I received

1 three \$100 bills and that the invoice amount was for \$270  
2 and then there was a balance owed to Jim Majka for the  
3 amount of \$30, at that time.

4 Q: Okay. Then how--and can you tell me why exhibit  
5 23 says bill to Mike Nadeau Campaign?

6 A: That would have to be a publisher question.  
7 Andrew Burden is the one who enters it into the computer.  
8 I just think he looked at it as an easy way out and only  
9 having to create another account for. Jim Majka, where  
10 Jim Majka doesn't have a business, from what I understand,  
11 so he just put it under Mike Nadeau's campaign since we  
12 already had Mike create a plan.

13 Q: Okay. Did Mr. Burden have any communications  
14 with Mr. Mike or if you know?

15 A: Yes. The second day he came in, Jim and Mr.  
16 Burden spoke briefly while I was on the phone, when Jim  
17 initially came in. It was probably about two or three  
18 minutes but I don't know what the nature of the  
19 conversation was.

20 Q: Okay. I noticed the invoice is dated November 2,  
21 2012.

22 A: Correct.

23 Q: And it's stamped paid 10/30/2012.

24 A: Correct.

25 Q: Is 10/30 the day you got the payment or did you



1 get the payment before that and it just got stamped as--

2 A: [Interposing] 10/30 was the date that I gave the  
3 handwritten receipt to Mr. Burden so that that way he  
4 could enter it into the computer, and then he probably  
5 just marked 10/30 on the handwritten one and once he  
6 entered it, it was probably on the 2nd of November.

7 Q: Okay. So, this invoice was never intended to be  
8 billed through the Mike Nadeau Campaign because Mr. Majka  
9 had already paid for it personally; is that the way I  
10 understand it?

11 A: That is correct. I think it was just for a tally  
12 for our purposes at the office.

13 COMMISSIONER HEALY: All right. No further  
14 questions.

15 EXAMINATION

16 BY COMMISSIONER ANDRE DUCHETTE

17 Q: Mr. Michaud, this is Commissioner Andre Duchette.  
18 You indicated that Mr. Burgen or Burden--I apologize--  
19 likely just used the account name Mike Nadeau Campaign  
20 because that was an account that had already been created,  
21 but I think you had testified earlier that this was the  
22 only ad for Mr. Nadeau, so can you please explain that a  
23 little better?

24 A: Yeah. Mike Nadeau has advertisements through  
25 Mike and Sons, so he probably just added an extra line to

1 Mike and Sons account, writing in Mike Nadeau Campaigns  
2 with--I really wouldn't know. It would be an introverted  
3 question.

4 Q: Okay. And one final question. In looking at  
5 exhibit 23, you discussed how Mr. Majka had brought in  
6 \$300 in cash. The ad cost was \$270, but when looking at  
7 this invoice, the ad is for \$420. Do you know when the  
8 balance of that was paid?

9 A: That balance was actually paid the following day.  
10 It was paid when--the second time Jim Majka came in.

11 Q: So, do--

12 A: [Interposing] When I told him what the color of  
13 the ad was extra, and he just took out the money and he  
14 paid, actually I think it was all in 20s.

15 Q: Okay. Thank you.

16 COMMISSIONER MCKEE: Any other questions of  
17 Commissioners? Follow-up questions?

18 REDIRECT EXAMINATION

19 BY MR. JONATHAN WAYNE

20 Q: Just on the issue of the date, I wanted to take  
21 note of the paid date on the electronic invoice.

22 A: Yes.

23 Q: That paid date is October 30th?

24 A: Correct.

25 Q: And so--

1           A:    [Interposing] Which would have been Tuesday, yes.

2           Q:    So, does that jog your memory at all about when  
3 was the initial visit from Jim Majka?

4           A:    It would probably be - - that it would be on  
5 Monday then, because it was like the very next business  
6 day or the next--yeah, the next business day.

7           Q:    So, your testimony--

8           A:    [Interposing] I gave him the second invoice,  
9 handwritten invoice, for the color on the 30th, so that  
10 would be the day before that he came in for the ad, yes.

11          Q:    So, your testimony is that probably Jim Majka's  
12 first visit was on Monday the 29th?

13          A:    Correct.

14          Q:    Okay. Thank you.

15                   COMMISSIONER MCKEE: Any follow-up questions  
16 based on those?

17                   MR. WOODCOCK: Just one.

18 CROSS-EXAMINATION

19 BY MR. TIMOTHY WOODCOCK

20          Q:    Do you remember what time of day Mr. Majka would  
21 have come in on the 29th?

22          A:    On the 29th, it would have been around 2:00, 2:30  
23 in the afternoon.

24          Q:    Okay.

25                   COMMISSIONER MCKEE: Anything else at all?

1 Any other questions from Commissioners? All right.  
2 That will conclude your testimony. Thank you for  
3 being available.

4 MR. MICHAUD: Okay. Thank you. Have a good  
5 day.

6 MR. WAYNE: Thank you.

7 MR. MICHAUD: All right. Bye-bye.

8 [Background Conversation]

9 MS. PHILLIPS: Good morning.

10 MR. OUELLETTE: Hi.

11 MS. PHILLIPS: All right.

12 COMMISSIONER MCKEE: All set? Can you hear  
13 us okay?

14 MR. OUELLETTE: Yes.

15 COMMISSIONER MCKEE: Excellent.

16 MR. OUELLETTE: Can you hear us?

17 COMMISSIONER MCKEE: We can. Good morning.

18 I'm Walt McKee and I chair the Maine Ethics  
19 Commission and we're going to take some testimony  
20 today through this video hookup. I think we're first  
21 going to take the testimony of Mr. Majka. Which one  
22 of you is Mr. Majka? All right. Mr. Majka, could  
23 you state your name for the record please?

24 MR. MAJKA: James Majka.

25 COMMISSIONER MCKEE: Okay. Will you raise

1           your right hand? Do you swear or affirm to tell the  
2           truth at this public hearing today?

3                     MR. MAJKA: Yes, I do.

4                     COMMISSIONER MCKEE: All right. Go ahead.

5                     J A M E S M A J K A, having been first duly  
6           sworn, testified as follows:

7       DIRECT EXAMINATION

8       BY MR. JONATHAN WAYNE

9           Q: Mr. Majka, this is Jonathan Wayne. We've talked  
10       before. How are you?

11          A: Fine, thank you. Which one of you--

12          Q: [Interposing] I think you can't see me.

13          A: I know.

14          Q: I just pulled--now I'm waving. Is that  
15       satisfactory? Can you hear me and see me okay? Is that  
16       fine?

17          A: Thank you very much. I'm sorry.

18                     COMMISSIONER MCKEE: Who is the other  
19       gentleman in the room there with you?

20                     MR. MAJKA: No, he just left. He was the  
21       technician.

22                     COMMISSIONER MCKEE: Okay. And then Mr.--  
23       who else is in the room with you, Mr. Majka?

24                     MR. MAJKA: Just Dana and I.

25                     MR. DANA SAUCIER: I'm Dana Saucier.

1 COMMISSIONER MCKEE: That's all I needed.

2 Thank you. Go ahead.

3 MR. MAJKA: And excuse me. Could we have  
4 who we're speaking with also?

5 COMMISSIONER MCKEE: Well, this is the Maine  
6 Commission on Governmental Ethics and Election  
7 Practices. I'm Walt McKee and I chair the  
8 Commission, and to my right and my left are the  
9 commissioners. There are a number of other people in  
10 the room, including attorneys for different parties  
11 involved in cases, as well as staff members. Go  
12 ahead.

13 Q: Mr. Majka, you can hear me okay?

14 A: Yes, sir.

15 Q: All right. Are you a resident of Fort Kent,  
16 Maine?

17 A: I am.

18 Q: In the past year, have you been self employed?

19 A: I have, sir.

20 Q: Tell us about your employment please.

21 A: I do video production, photography. I do  
22 internet services for people that are trying to build a  
23 business online. I do freelance work; mostly stuff like  
24 that.

25 Q: And do you operate under the business name of

1 Fort Kent Photography and Video?

2 A: Actually it's 21st Century Media. That's the  
3 local name of it.

4 Q: Okay. Thank you very much. Did you help Mike  
5 Nadeau out with his political campaign?

6 A: I did.

7 Q: And were you a volunteer?

8 A: I was a volunteer after we initially set up his  
9 website, and as you know, I designed his site and his  
10 Facebook pages and provided some video work for him, but  
11 after the outset, it was pretty much volunteer after we  
12 set up. I created his site and kept it current.

13 Q: Okay. You just reached for an envelope of  
14 documents, so just to be clear, through the technician we  
15 asked for an envelope of documents to be handed to you and  
16 Mr. Saucier there.

17 A: Yeah, we've got it in this pack here.

18 Q: Oh, great. Thank you. I wonder if I could draw  
19 your attention to exhibit 24?

20 A: Yeah.

21 Q: Could you tell the Commissioners what that is?

22 A: This is an invoice for his initial website setup,  
23 domain registration, image scans, and his Facebook page  
24 tie-in with his blog, and this was done back in I think it  
25 was August or September we did this - - September 25th.

1 Q: Our next few questions--

2 A: [Interposing] Total of--go ahead.

3 Q: No. Thank you very much. Our next few questions  
4 are just to give us a general idea of what you did for the  
5 campaign and whether it was volunteer work or paid work.  
6 So, you provided internet services to the campaign under  
7 the name of 21st Century Media, correct?

8 A: Yes, sir.

9 Q: And you were paid \$350 by the campaign?

10 A: By--yes, yeah.

11 Q: Were you paid by the--well, I withdraw the  
12 question. Was there more than one website that you worked  
13 on?

14 A: There was his website and there was his Facebook  
15 page that I updated at the same time as his website. They  
16 were independent but they were linked together. You know  
17 what I mean? They had to be updated--well, they had to be  
18 set up, rather, and they had to be connected together  
19 because the social media aspect of it was one of the big  
20 reasons why we did it, because it was a lot easier to do  
21 that than to, you know, we did everything at the same time  
22 initially to get it all done and I just kept updating it  
23 after that.

24 Q: Got it. So, just to clarify, you were--

25 A: [Interposing] - - .



1           Q:    I'm sorry.  You worked on his campaign website,  
2           which was MikeNadeau.net, as well as his Facebook page; is  
3           that correct?

4           A:    Yes.

5           Q:    And after you completed the work for which you  
6           were paid \$350, did you continue to do internet work for  
7           the campaign as a volunteer?

8           A:    I did.

9           Q:    And what kind of volunteer work did you do  
10          related to the internet for the campaign?

11          A:    Well, basically it was updating campaign whenever  
12          he--he would update his Facebook page and his website.  
13          What I would do is just do it for him, as a volunteer.  If  
14          he had an issue he wanted to talk about to his  
15          constituents or the people that he was trying to get to  
16          warm up and to vote for him in November, every day, every  
17          three or four days, sometimes once a week there would be  
18          an update.  I would provide that update.  We also recorded  
19          a video which we chopped up into maybe eight or nine  
20          different parts and put that up.  We'd post little clips  
21          every few days just to keep the information fresh and new,  
22          and I did that voluntarily.

23          Q:    Great.  Thank you.  I hope you don't mind, but  
24          out of consideration for all of the witnesses and the  
25          lawyers here, I'm going to try to move along pretty

1 quickly because we want the length of this hearing to be  
2 reasonable for everybody involved, and so I hope you'll  
3 just bear with me. In addition to the website services,  
4 did you take any videos for the campaign?

5 A: Yeah, as I already mentioned, we did a probably a  
6 20-minute video clip initially and we carved that up into  
7 three five-minute sessions and released different segments  
8 over the course of three or four weeks. It was one video,  
9 but if you look on YouTube, you'll see different topics  
10 and different dates because it was all one video when we  
11 chopped it up and to just disseminate the information over  
12 a few weeks' time.

13 Q: Did you distribute any campaign flyers for the  
14 campaign?

15 A: I did on one point. I did some volunteer work -  
16 - .

17 Q: Did you go door to door on behalf of the  
18 campaign?

19 A: Once, yes.

20 Q: Did you distribute any lawn signs for the  
21 campaign?

22 A: I did.

23 Q: And why did you volunteer for the campaign?

24 A: Why did I volunteer?

25 Q: Yeah.

1           A:    Because number one, he's a long friend of mine;  
2           number two, I wanted him to win the election; and number  
3           three, it was something I had never done before and I  
4           rather enjoyed doing it--

5           Q:    [Interposing] Thank you.

6           A:    --for him.

7           Q:    So, you mentioned receiving \$350 from the  
8           campaign. Did you receive any other payments from--at  
9           all, other than that \$350--from any source for the work  
10          that you provided for the campaign?

11          A:    Not to my knowledge.

12          Q:    From any other source, other than Mike?

13          A:    Any other source? What do you mean?

14          Q:    Did you receive any money--

15          A:    [Interposing] I didn't receive any money. Other  
16          than this, I had received nothing.

17          Q:    Did Mike and Sons pay you any money for the work  
18          on the campaign?

19          A:    Yeah, this right here.

20          Q:    I'm sorry.

21          A:    For the initial website.

22          Q:    I'm trying to distinguish between Mike and Sons--  
23          the business--and the political campaign. Who paid you  
24          the \$350?

25          A:    No. Mike's political campaign paid me for the

1 website. Nothing was paid after that or for any other  
2 reason.

3 Q: So, just to be clear, other than the \$350 payment  
4 that you received from Mike's political campaign, you did  
5 not receive any payment of money for any work that you  
6 provided to the campaign; is that correct?

7 A: No, because it was volunteer after that.

8 Q: Thank you. If we could look at those exhibits, I  
9 wanted to ask you to take a look at exhibit 21 please.

10 A: Okay.

11 Q: Do you recognize that?

12 A: I sure do.

13 Q: What is that?

14 A: It's an ad that I placed in the Fiddlehead Focus.  
15 I believe it was the last issue before the election.

16 Q: Did you purchase the ad from the newspaper?

17 A: I did.

18 Q: And what was the reason for buying the ad?

19 A: Again, I wanted to win and--I wanted him to win  
20 and he was being out-advertised nearly ten to one, it  
21 seems, on the weeks prior and we were coming up to the end  
22 of it and I just wanted to do a little more for him so I  
23 paid for the ad and ran it.

24 Q: How did you communicate with the newspaper that  
25 you wanted to purchase the ad?

1           A:    I went in person and told them that I was paying  
2           for this and it was done that day.

3           Q:    Do you remember--

4           A:    [Interposing] I don't remember the guy's name.

5           Q:    You just anticipated my next question. Do you  
6           remember the guy that you talked to?

7           A:    I don't remember his name.

8           Q:    Thank you. I just wanted to draw your attention  
9           to the date on that page. It's towards the top.

10          A:    Yeah.

11          Q:    Do you remember the day of the week that you went  
12          into the office?

13          A:    No. It was--the Wednesday, they come out on  
14          Wednesdays. I can't remember. It was either a Friday or  
15          Monday I paid for it to place the ad, but I don't remember  
16          the date, but it was the last issue before the campaign.  
17          It's a weekly paper and it comes out on Wednesday. The  
18          deadline for ads--because I have advertised before for  
19          different things--is a day or two before the issue is  
20          released.

21          Q:    And did you have an idea of what the ad should  
22          say?

23          A:    Yeah.

24          Q:    And how did you communicate that to the  
25          newspaper?

1           A:    I'm sorry.  Again?

2           Q:    How did you--

3           A:    [Interposing] What did you say, sir?

4           Q:    How did you tell the newspaper what the ad should  
5 say?

6           A:    Well, being familiar with what his campaign is  
7 based on, I--what it says right here basically, that's  
8 what I told them.  It was a general ad; it wasn't  
9 specific.  It was just a general last ad before the  
10 campaign ended.

11          Q:    So, how--

12          A:    [Interposing] They designed it.  I just gave--  
13 they designed the ad.  I didn't tell them, really, what to  
14 put.  I just gave them some brief notes.

15          Q:    Okay.  I want to ask you to take a look at the  
16 document that's number 22.

17          A:    Okay.

18          Q:    Are those the notes that you gave to the  
19 newspaper?

20          A:    I think so.  I don't really remember.

21          Q:    Okay.

22          A:    I don't really remember it being written down.  
23 It must have been, I guess; I don't know.

24          Q:    Okay.  And then did you do the graphic design for  
25 the ad?

1           A:    No, they did that.

2           Q:    Okay.

3           A:    Really, that's what they do and I just told them  
4           to make an ad that looked good and stood out, without a  
5           lot of writing, and that's why it's all in bold capitals  
6           here.

7           Q:    Okay.   Thank you.   Do you remember what the ad  
8           cost?

9           A:    Yeah, it's right here; it was \$420 because it was  
10          color spot, spot color, yeah.

11          Q:    Did you receive any kind of a receipt from the  
12          newspaper?

13          A:    I was in a hurry that day and I said can you mail  
14          it to me and I'll pick it up, and they said sure, and I--  
15          honestly, at the time, I really wasn't worried about a  
16          receipt or specifics of any kind.   I just wanted the ad  
17          ran.   I don't remember getting a mailed receipt to me, but  
18          I contacted Andrew Burden, the publisher, and he--I  
19          believe he since sent me a receipt.   I don't have the  
20          receipt though.   I thought I had forwarded this  
21          information to you already.

22          Q:    Thank you very much.   I mean, there's a few bits  
23          of information that you and I talked about that we'll be  
24          going over again today, and I appreciate your patience  
25          with that.   Did Mike Nadeau know you were going to be

1 placing the ad in the newspaper?

2 A: No.

3 Q: Do you remember when he found out that an ad had  
4 been placed in the newspaper?

5 A: I told him that I had placed an ad and--well, to  
6 be sure, I think I said Mike, I want to run an ad to get  
7 something else in that paper before the election. We  
8 talked about that, but it was me that initiated it and  
9 went down and took care of it.

10 Q: I don't think I heard about that conversation  
11 with you previously. I--

12 A: [Interposing] What's that, sir?

13 Q: When I interviewed you--all right. Do you  
14 remember my interview with you by telephone?

15 A: Pretty much, yeah. It was a long one and I don't  
16 remember everything.

17 Q: Do you remember telling me that Mike Nadeau was  
18 surprised by the ad?

19 A: Well, actually, I can't remember if I talked to  
20 him before and said that I was thinking about running an  
21 ad or told him after that I ran it, but I did talk to him  
22 about it. I wasn't in a frame of mind to keep track of  
23 every detail because this is all new to me. I was on his  
24 campaign--I helped him with his campaign. He was getting  
25 out-advertised ten to one. I just wanted to do something



1 at the tail end and I did, and he probably found out about  
2 it after. I cannot remember, honestly, exactly when we  
3 talked about the ad, but I wish I knew.

4 Q: Okay. That's fine. We understand that we're  
5 asking about events that happened in the middle of a  
6 campaign and they may have more significance now than you  
7 attached in the past to it, and so thank you very much.  
8 Do you remember whether Mike had any kind of a reaction to  
9 the advertisement?

10 A: No. He was glad to see it. He didn't really  
11 talk too much. There was so much things happening and it  
12 was at the tail end of the campaign, and we talked every  
13 day but with difficulties. I'm sure we talked about this  
14 ad and I'm sure he liked it; there's no question about  
15 that.

16 Q: Okay. I guess what we really need to know, sir,  
17 to the best that you can remember it, is did Mike Nadeau  
18 know that you were placing the ad in the campaign?

19 A: Again, as I said already, I don't know if I  
20 talked to him before, or I think I probably told him the  
21 day of or the day after, but I cannot say for sure; I just  
22 don't remember.

23 Q: Okay. I want to bring you back to exhibit number  
24 22, which is the lined piece of paper with the handwriting  
25 on it.

1           A:    Yes.

2           Q:    Could you confirm for us whether or not that this  
3 is the text of the ad that you gave to the newspaper?

4           A:    It looks like it.  I mean, I don't remember what  
5 I did with the ad.  The ad, I went down to the guy that  
6 was doing the typesetting and I gave him some things to  
7 do, but I really don't remember how.

8           Q:    Whose handwriting is that on that page?

9           A:    It could be mine; I don't know.

10          Q:    Mr. Majka, this is a formal hearing on an  
11 election law matter and it's very important that we get  
12 complete and accurate information.  Are you telling this  
13 Commission that you can't--you're not sure whether that is  
14 your handwriting?

15          A:    I don't know where these notes came from; I'm not  
16 sure.  I really don't know.

17          Q:    The question is is that--

18          A:    [Interposing] I don't remember how it--I don't  
19 remember how I went into the paper with the information  
20 for the ad.

21          Q:    I appreciate that answer.  I appreciate that  
22 answer and that's valuable for us to know that there are  
23 some aspects of you submitting this ad that you don't  
24 remember, but my question now is looking at the text,  
25 especially the text at the bottom of that page, is that

1 your handwriting?

2 A: It could be notes from another meeting that we  
3 had--

4 COMMISSIONER MCKEE: [Interposing] Mr.  
5 Majka, the question's really simple; is that your  
6 handwriting or is it not your handwriting?

7 MR. MAJKA: It doesn't look like my  
8 handwriting.

9 Q: Where did you get this piece of paper, Mr. Majka?

10 A: I wish I could tell you that. I really don't  
11 know.

12 Q: Your testimony is you don't know where you got  
13 that piece of paper?

14 A: I don't remember the piece of paper, but  
15 obviously--I'm looking at the ad--I took a lot of notes  
16 when I would talk to Mike, basically for updates on his  
17 website, a lot of notes. There's a lot of things that he  
18 submitted to me. I may have taken notes from another  
19 meeting and used it to make an ad. It could have been  
20 something like that. I don't remember where these notes  
21 came from.

22 Q: Your testimony is that doesn't look like your  
23 handwriting, correct?

24 A: Right.

25 Q: Did Mike--

1           A:    [Interposing] My thing is that these notes could  
2           have come from a meeting with Mike earlier, that I would  
3           have used to make an ad, because a lot of this stuff is  
4           posted on a website and this handwriting, I typed it over  
5           and posted it for him as part of the work I was doing for  
6           him, the volunteer work, and this looks like a note he  
7           gave me--excuse me--for, what's the word, what he wanted  
8           to do to help people once he is elected, and this looks  
9           like a note that he wrote that I saved or kept or I don't-  
10          -I really don't remember.

11          Q:    Okay. I just want to clarify; these possible  
12          explanations that you're giving to the Commission, these  
13          are--the circumstances that you've just related, you don't  
14          remember that, do you; this is speculation?

15          A:    It is speculation, sir. I really wish I could  
16          tell you. I don't know, but I did have a lot - - . I  
17          would see Mike and I would talk to him for updates on his  
18          website on a daily basis or every two or three days, or  
19          once a week. He would write down on piece of pad, in his  
20          own writing, notes for me to fix up and - - and post on  
21          his site. Now, a lot of those notes, once they were  
22          transcribed and posted, I heaved them. I had no reasons  
23          to save these. Now, this note looks like something he  
24          might have wrote for a posting or some ideas for  
25          something, but I can't tell you when the note - - .

1           Q:   Mr. Majka, I just want to remind you of the  
2           circumstances of this hearing.  You took an oath--

3           A:   [Interposing] Yes.

4           Q:   --to tell the truth and the whole truth.  There  
5           are laws in place to make sure that agencies, such as  
6           ours, gets complete and accurate information when we  
7           receive testimony under oath, and the consequences to  
8           giving false statements to this Commission, when you are  
9           under oath, are serious, and they can be serious.  I  
10          understand that you want to be loyal to a friend.  I  
11          understand that you want to be loyal to a political  
12          objective, but it's very important that you consider your  
13          testimony carefully and give this Commission complete and  
14          accurate information.  So, let me ask you; did Mike Nadeau  
15          give you this piece of paper?

16          A:   He may have given me the piece of paper, but it  
17          wasn't on--I--this looks like notes that he would write  
18          down for me to transcribe, to post on his site.  It looks  
19          like one of the many notes he gave me.  I could have used  
20          this to run an ad because that looks like what I did, but  
21          I don't remember.  I honestly don't remember--

22          Q:   [Interposing] Did he give--

23          A:   --the circumstances.

24          Q:   I under--did he give you this piece of paper with  
25          the intention that you would provide this for a newspaper

1 ad?

2 A: I can't tell you that; I don't know.

3 Q: You said that you paid--what was the money that  
4 you used to pay for the ad?

5 A: I paid for it myself.

6 Q: That was--was that with personal funds?

7 A: Yes, sir.

8 Q: Did anyone provide you the cash for the  
9 advertisement? I'm sorry?

10 A: I paid for the ad. I paid for the ad myself.

11 Q: I just want you to answer the question directly.  
12 Did anyone give you the cash that you used to pay for the-  
13 -yes or no?

14 A: No.

15 Q: Did anyone reimburse you, after the fact, the  
16 money that you used to buy the ad?

17 A: No.

18 Q: Did Mike Nadeau give you any assurances that you  
19 would be reimbursed for the ad?

20 A: No.

21 Q: Mr. Nadeau, I just want to remind you what I said  
22 earlier about the consequences for providing false  
23 testimony to this Commission. Are you saying to me that  
24 no one gave you any money for this ad?

25 MR. WOODCOCK: You addressed him as Mr.

1           Nadeau.

2           Q:   I'm sorry.  Mr. Majka, I apologize.  Is your  
3 testimony that no one gave you any money for this ad?

4           A:   No, it was my money.

5           Q:   Where did you get the money for the ad?

6           A:   It was my personal funds, sir.

7           Q:   Did you take it out of the bank?

8           A:   No, I paid in cash.

9           Q:   Where did you get the cash?

10          A:   Sir, it's my money; I had it.

11          Q:   I'm asking for the mechanics.  Did you have it  
12 around the house, did you get it from a bank?  Please tell  
13 this Commission where you got the money.

14          A:   At home.  I had it at home.  I used it to pay for  
15 the ad.

16          Q:   Is this--does this money consist of income you  
17 received from your business?

18          A:   I have--I keep money at home.  Most people do.  I  
19 had some set aside for whatever and I just used some of  
20 it.

21          Q:   Do you remember the denominations that you used  
22 to pay for the ad?

23          A:   I do not remember.

24          Q:   We received testimony that you used three \$100  
25 bills to pay for the ad.  Does that sound--

1 A: [Interposing] It sounds right, yeah.

2 Q: Did you--

3 A: [Interposing] I don't remember exactly, but if  
4 that's what was said, yeah.

5 Q: Do you customarily have \$100 bills around the  
6 house?

7 A: Sometimes, from time to time, yeah. I pay for  
8 things in cash sometimes. It's not uncommon.

9 Q: Mr. Majka, did you work as a bus driver at the  
10 early part of the school year?

11 A: I did.

12 Q: And did that employment end?

13 A: It did.

14 Q: About when did it end?

15 A: I think it was shortly before Thanksgiving. I'm  
16 not--I can't really remember. It was part-time.

17 Q: It was part-time. Did you discuss the Fiddlehead  
18 Focus ad with Phil Soucy at all?

19 A: No, I don't talk to Phil Soucy hardly at all.

20 Q: Did you discuss the ad in the Fiddlehead Focus  
21 with Dana Saucier?

22 A: Not until much later.

23 Q: Until after it was published? After it was  
24 published, you're saying that's when you talked to Mr.--

25 A: [Interposing] Well, I don't remember if we talked



1 about it at all. We probably did because we always looked  
2 at the ads that were running and, you know, commented on  
3 them, so yeah, we probably did.

4 Q: Okay. I'm going to change topics now. Please  
5 take a look at exhibit 25.

6 A: Okay.

7 Q: Can you tell the Commission what that is?

8 A: This is a circular that Dana and I mapped out and  
9 passed - - back and forth and this is what we came up with  
10 to use as a direct mailer or a flyer or whatever.

11 Q: So, could you give us a sense of the different  
12 individuals who were involved in the mailing?

13 A: Well, I don't know the specifics of the mailing  
14 or the mechanics of it. All I know is that I designed  
15 this. Dana and I came up with the ideas and the bullet  
16 points and the layout. We talked back and forth quite a  
17 few times over the course of a couple days and I came up  
18 with this and that's it.

19 Q: What was the reason for the mailing?

20 A: Because it was getting down to the end of the  
21 election and, you know, there were ads being done that  
22 were, at best, deceptive and, at worst, out-right not  
23 true, and we were trying to come up with something we  
24 could do to fight back just before the election and see if  
25 we could get our statements out, and this was a good idea

1       so we decided we'd create this.

2               Q:    Other than Dana Saucier, was anyone else involved  
3       in the decision to send the mailing?

4               A:    You're asking me stuff that I'm not sure of.  I  
5       know that Mr. Saucier was involved in the actual mailing  
6       of it, however that worked.  The only thing I did was  
7       design the flyer; that's it.

8               Q:    Did you use a print shop for the mailing?

9               A:    Yeah.

10              Q:    What was that print shop?

11              A:    As you know, the print shop was Paper Signs Ink.

12              Q:    And--

13              A:    [Interposing] But I think you already know that.

14              Q:    Who communicated with the print shop?

15              A:    I think we both did, from time to time.

16              Q:    When you say we both, do you mean--

17              A:    [Interposing] It was to see if the margins were  
18       correct, to see if it would print from a Photoshop file to  
19       a - - .  It was just back and forth stuff like that; stuff  
20       you talk to a typesetter about anything like that.

21              Q:    So, you communicated with the print shop,  
22       correct?

23              A:    Yes.

24              Q:    And did Dana Saucier?

25              A:    I don't know.

1 Q: Okay.

2 A: I assume he did.

3 Q: How did the--was this mailing distributed to  
4 voters through the postal system?

5 A: Yeah.

6 Q: How did the mailers get to the post office?

7 A: When they were all settled, Steve Biggle  
8 [phonetic] brought them to Fort Kent. I brought them to  
9 the other post offices in the area.

10 Q: Other than Dana Saucier, did anyone else work  
11 with you on the ideas or the language in the mailing?

12 A: The language of the mailing, no.

13 Q: Okay. Who provided the money for the mailing?

14 A: I have no idea.

15 Q: Do you know who, in your group, received the  
16 money for the mailing?

17 A: I can't tell you that, sir. I don't know how the  
18 mechanics work. All I did was design this.

19 Q: Did you hear any discussions about who had  
20 provided the money for the mailing?

21 A: No.

22 Q: At any stage in the mailing, did Mike Nadeau know  
23 that you were going to be doing the mailing?

24 A: No, not to my knowledge.

25 Q: So, you never discussed the mailing with Mike

1 Nadeau? Did you discuss it with him after it was received  
2 by voters?

3 A: We probably did because everybody knew about it  
4 then.

5 Q: But you don't remember?

6 A: In fact, I'm sure that because this mailing went  
7 out and people got it, I probably posted something on  
8 Facebook that the mailing was being received in mailboxes,  
9 or if you got it, let us know what you think of it. It  
10 was stuff like that. I'm sure we talked about it after, I  
11 think.

12 Q: Did--

13 A: [Interposing] I can't give you any more specifics  
14 on that though.

15 Q: Did Mike Nadeau cooperate, in any way, on this  
16 mailing?

17 A: No.

18 Q: Did he suggest to you that you do the mailing?

19 A: No.

20 Q: Okay. I want to take a look at exhibit 26. It  
21 consists of two pages. Can you tell the Commission what  
22 that first page is?

23 A: That is his Facebook page.

24 Q: And what image is that there on that Facebook  
25 page--the big one?

1           A:    That's his banner.  That's his Facebook banner.

2           Q:    No, I'm talking about the--I want to say that we  
3           didn't--we weren't able to get the entire Facebook page to  
4           print out the correct way with the words Facebook on it,  
5           but I'm talking about the big rectangle that's landscape  
6           oriented on the first page of 26.

7           A:    That's the--if you're familiar with Facebook--and  
8           I'm sure you must be--certain pages have rectangle banners  
9           on them.

10          Q:    Okay.  I think we're just talking about different  
11          things.

12          A:    - - .

13          Q:    We're talking about the first page of 26.  
14          There's some language there that says Mike Nadeau,  
15          aggressive new leadership for our community.  Do you--

16          A:    [Interposing] Right.

17          Q:    Yeah.  What is that document?

18          A:    Okay.  You said that Facebook didn't print it  
19          correctly and this is exactly what you mean.  This is the  
20          header for his Facebook page.  That's what everybody sees  
21          when they go to his Facebook page.

22          Q:    Okay.  Let me--

23          A:    [Interposing] That's his banner header.

24          Q:    Okay.  I see what we're talking about here.  Just  
25          go down a little bit, if you will please, where there's

1 the little picture of Mike Nadeau in the left-hand margin  
2 and there's language that says Mike Nadeau, new mailer  
3 hits mailboxes this week, watch for it.

4 A: I probably posted that. I'm the one that posted  
5 that. I can tell you that for sure. He didn't post  
6 anything to Facebook because he didn't know how.

7 Q: But I was trying not to--

8 A: [Interposing] He wouldn't--when--

9 Q: [Interposing] Sorry.

10 A: I posted that. I remember that; I did post that.

11 Q: Okay. So, is that image that's directly above  
12 that, is that a mailer that was sent out in support of  
13 Mike Nadeau?

14 A: I think it's a mailer that I got in the mail and  
15 scanned it to put on the Facebook page. Every time we got  
16 a mailer from the group in--what was that group that sent  
17 stuff out for his--the Republican Party sent mailers,  
18 okay, and every few days during the course of the  
19 campaign, I would get three or four different nice-looking  
20 mailers or postcards or whatever in the mail. I would  
21 scan those and put them on the Facebook page so people  
22 could see what people were getting in the mail.

23 COMMISSIONER MCKEE: Mr. Majka, could you  
24 just focus on the question? I know you've got some  
25 other things you want to talk about, but I think the

1           specific question was--that's not a response to the  
2           specific question. Would you ask the question again,  
3           Jonathan?

4                       MR. WAYNE: Well, he actually is  
5           anticipating what I wanted to get at, which is--

6                       COMMISSIONER MCKEE: [Interposing] All  
7           right.

8           Q: Was it the regular practice of the campaign to  
9           post mailings--

10          A: [Interposing] Yes.

11          Q: --that were received in the district?

12          A: All the time.

13          Q: Okay. And generally how--

14          A: [Interposing] We did it all the time, yeah.

15          Q: And how did you receive these mailings that you  
16          posted to the website?

17          A: They came to my mailbox. I got them as a regular  
18          citizen. I would scan them and post them to Facebook to  
19          show people what we were getting in the mail and to share,  
20          and they would comment on them and--

21          Q: [Interposing] Okay. The writing is a little  
22          small but in the add--just above the return address  
23          section of that mailing, it says paid for by Respect  
24          Maine. Is that one of the political action committees  
25          that paid for mailings to support Mr. Nadeau, if you know?

1           A:    Yeah.  They sent this mailing and several others,  
2           and every time they--they were well done, so what I did  
3           was I scanned them and posted them on Facebook; that's  
4           all.

5           Q:    And did you receive--

6           A:    [Interposing] I had nothing to do with the--go  
7           ahead.

8           Q:    Would the organizations responsible for the  
9           mailings tell you in advance that they were going to be  
10          sending these mailings?

11          A:    No, this--as a regular citizen, you get mail from  
12          everybody.

13                   COMMISSIONER MCKEE:  Mr. Majka, the answer  
14          is just no.  It's--you--

15          A:    [Interposing] No.

16                   COMMISSIONER MCKEE:  You listen to the  
17          question and answer just the question you're asked;  
18          it'll actually go a lot faster for everybody.

19                   MR. MAJKA:  Okay.

20          A:    As the question again please.

21                   COMMISSIONER MCKEE:  I think you gave us  
22          your answer, which was no, so next question.

23                   MR. WAYNE:  Yeah, that's fine.  I'm going to  
24          move on to a new topic.

25          Q:    Were you served with a subpoena to provide



1 testimony to this Commission?

2 A: Yes.

3 Q: Did you discuss the fact that you were served  
4 with a subpoena with Mike Nadeau?

5 A: I probably did, yes.

6 Q: Do you remember what you said?

7 A: No.

8 Q: Do you remember what he said?

9 A: I probably told him I wasn't too happy about it  
10 and I had never been served a subpoena before and that's  
11 probably what we discussed. I'm not--

12 Q: [Interposing] Okay.

13 A: --sure.

14 Q: You know, when you say I probably did this or I  
15 probably did that, I understand you're coming up with  
16 something that may have happened, but it gets to be  
17 confusing. We want to know what did or didn't happen to  
18 the best of your recollection, and I--so, did you talk  
19 with Mike Nadeau about your testimony here today?

20 A: No.

21 Q: Have you talked with him recently about the ad  
22 that you placed in the Fiddlehead Focus?

23 A: After it came out, yeah.

24 Q: In the past couple of weeks, have you talked with  
25 Mike Nadeau?

1           A:    I don't believe we talked about that ad, no.

2           Q:    in the last two weeks, have you talked to Mike  
3 Nadeau?

4           A:    At all?

5           Q:    Yeah.

6           A:    Yeah.

7           Q:    Did you talk about today's--did you talk about  
8 today's hearing?

9           A:    No.

10          Q:    Do you know who Monique Gertler is?

11          A:    No.

12          Q:    Do you know who Monique Chamberlain is?

13          A:    No.

14          Q:    Yeah. Mr. Majka, could we please take a look at  
15 exhibit 27?

16          A:    Okay.

17          Q:    What--is that a website page?

18          A:    That's his main website, yes.

19          Q:    And that's from MikeNadeau.net?

20          A:    Yes.

21          Q:    And drawing your attention to the language NRA  
22 gives Mike Nadeau AQ rating, and that image down there;  
23 can you tell us what that is?

24          A:    That was one of those mailers I discussed before,  
25 that I would get in the mail--as every citizen did--and

1       that's what I scanned and put on his site, as well as his  
2       Facebook page. That was regular practice. I did that  
3       anytime I got an interestingly-looking mailer.

4             Q:    Okay. Thank you. And I did neglect a question  
5       on the previous exhibit, which is right before it--number  
6       26. On the mailing from Respect Maine, there's some  
7       language that says MikeNadeau.net and this is on the  
8       mailing, in the address section of the mailing, it says  
9       MikeNadeau.net.

10            A:    Right.

11            Q:    Can you explain how that got there?

12            A:    I put that there because my address was there,  
13       and I took a--I scanned this into--okay. I'm going to try  
14       and explain this as simply as I can, okay?

15            Q:    Did you--let's just cut it short. Did you do it  
16       with Photoshop?

17            A:    Yeah, I blacked out my address--

18            Q:    [Interposing] You put--

19            A:    --because I didn't want it published, and I put  
20       this over in Photoshop and put it on his site because  
21       that's what I wanted people's attention drawn to--his  
22       website.

23            Q:    Great. I didn't mean to cut you off. I just--  
24       I'm aware that we're taking longer than was anticipated,  
25       so thank you very much.

1 MR. WAYNE: I don't have any further  
2 questions.

3 COMMISSIONER MCKEE: Questions from Mr.  
4 Woodcock?

5 MR. WOODCOCK: No questions.

6 COMMISSIONER MCKEE: Mr. Logan?

7 MR. LOGAN: No questions.

8 COMMISSIONER MCKEE: Questions from  
9 Commissioners for Mr. Majka? Commissioner Matheson?

10 COMMISSIONER MATHESON: Yes.

11 EXAMINATION

12 BY COMMISSIONER MARGARET MATHESON

13 Q: This is Commissioner Margaret Matheson and I have  
14 a--

15 A: [Interposing] Hi.

16 Q: Hi. I have a question, a couple of questions.  
17 Back to exhibit 22 and 21, I guess, because they're  
18 interrelated. Do you remember what time of day you went  
19 in to discuss placing this ad the first time you went in?

20 A: It may have been early afternoon. I can't  
21 remember exactly. Sorry.

22 Q: Early after--I mean, would there have been a  
23 specific reason that you went in at the time you went in?

24 A: I can't remember. I don't remember what time of  
25 day it was. I'm assuming it was in the afternoon. That's

1 all I--I don't even know why I'm assuming that.

2 Q: So, you're speculating it was early afternoon?

3 A: Pretty much.

4 Q: Okay. So, in looking at exhibit 22, there is  
5 other handwriting that's clearly different. At the top of  
6 that page, is that your handwriting or do you know whose  
7 handwriting that is?

8 A: The thing that says Fiddlehead ad by 3:00?

9 Q: Yes, sir.

10 A: I think that's--I don't know what that is. I'm  
11 not familiar with that at all. I think that's Fiddlehead  
12 - - , truthfully.

13 Q: You think that--I'm sorry. I didn't quite--you  
14 think it's a Fiddlehead what?

15 A: I think it was a notation that it had to be  
16 placed by 3:00, or the ad deadline was 3:00. I'm not  
17 sure. I don't know. I never--I don't know what that is.

18 Q: Okay. Thank you.

19 COMMISSIONER MCKEE: Questions from other  
20 Commissioners? Mr. Duchette?

21 MR. DUCHETTE: Sure.

22 EXAMINATION

23 BY COMMISSIONER ANDRE DUCHETTE

24 Q: This is Commissioner Andre Duchette. A couple  
25 questions, and I would ask that if your response to a

1 question begins with I presume or I assume, then I would  
2 prefer that you just say I don't remember and not give me  
3 any other response to the question.

4 A: Okay.

5 Q: You had indicated that you had several  
6 conversations with Mike Nadeau, correct?

7 A: Mike Nadeau, yes.

8 Q: And because you were volunteering with his  
9 campaign?

10 A: Yeah.

11 Q: And how often did these conversations take place?

12 A: Most every day; sometimes every two or three  
13 days.

14 Q: Did he ever mention to you that he had spoken  
15 with the newspaper, Fiddlehead Focus?

16 A: No.

17 Q: Did he--

18 A: [Interposing] I'm sorry. What's the question  
19 again, sir?

20 Q: Had he ever discussed with you that he had spoken  
21 with the newspaper, Fiddlehead Focus?

22 A: No.

23 Q: Did he ever mention to you that he was thinking  
24 about placing an ad with Fiddlehead Focus?

25 A: I don't know.

1 COMMISSIONER DUCHETTE: No further  
2 questions.

3 COMMISSIONER MCKEE: Commissioner Healy?

4 EXAMINATION

5 BY COMMISSIONER MICHAEL HEALY

6 Q: Mr. Majka, exhibit 22 in front of you, how long  
7 have you had that exhibit available to you?

8 A: I just saw it today, I think.

9 Q: Is this morning the first time you've seen this  
10 exhibit?

11 A: You mean with the writing on it?

12 Q: The piece of paper.

13 A: This is the first time I've seen it, yes.

14 Q: Do you have any recollection of ever seeing this  
15 piece of paper before this morning?

16 A: No.

17 Q: Have you had a chance to read the piece of paper?

18 A: Briefly this morning, yeah.

19 Q: Did you read the whole thing?

20 A: Yeah.

21 Q: And are you telling me that there is nothing on  
22 this piece of paper that is in your handwriting?

23 A: No.

24 COMMISSIONER MCKEE: Well, is that no, it's  
25 not your handwriting or no, you're not saying that?

1           A:    It's not my handwriting.

2           Q:    So, you're affirmatively stating, after looking  
3           at this again, that there's nothing on this piece of paper  
4           that's your handwriting?

5           A:    Not to my knowledge, no; that doesn't look like  
6           my handwriting.

7           Q:    Well, it--I'm going to give you--you're under  
8           oath and I'm going to give you another chance to answer  
9           the question. Is there anything on this piece of paper  
10          that's your handwriting; yes or no?

11          A:    This Julie Daigle may be my handwriting but I  
12          don't know. It looks like that's the only thing. I  
13          really don't know.

14          Q:    Well, wait a minute. Does the words Julie Daigle  
15          look like your handwriting?

16          A:    It looks like my scribble, yes.

17          Q:    Is there anything else on here that looks like  
18          your scribble?

19          A:    No.

20          Q:    Now, if that--

21                   COMMISSIONER HEALY: I have no further  
22          questions.

23                   COMMISSIONER MCKEE: Commissioner Duchette?

24                   COMMISSIONER DUCHETTE: Just a - - .

25          EXAMINATION



1 BY COMMISSIONER ANDRE DUCHETTE

2 Q: Have you ever spoken with Julie Daigle?

3 A: I'm sure I have.

4 Q: And do you know who Julie Daigle is?

5 A: Yes.

6 Q: And who is she?

7 A: She is Andrew Burden's--I think she's--she takes  
8 care of the advertising arm of the Fiddlehead Focus.  
9 She's his second-in-command, I think.

10 Q: Is that who you spoke with with respect to  
11 placing the ad?

12 A: She was one of the people. The other--there was  
13 another gentleman in the front office who I actually gave  
14 the information to run the ad to, but I don't know his  
15 name.

16 Q: Did you have your conversations with Ms. Daigle  
17 by phone or in person?

18 A: I believe in person.

19 COMMISSIONER DUCHETTE: No further  
20 questions.

21 COMMISSIONER MCKEE: Any other questions  
22 from Commissioners? Any follow-up questions from  
23 staff, the attorneys? All right. Thank you, Mr.  
24 Majka.

25 MR. MAJKA: Am I free to go?

1                   COMMISSIONER MCKEE: I believe you are free-  
2                   -oh, actually, hold on one second. Is everybody okay  
3                   with releasing him finally from his subpoena? I  
4                   believe you are. Thank you very much.

5                   MR. MAJKA: Thank you. See you, Dana.

6                   COMMISSIONER MCKEE: Is everybody wanting  
7                   Mr. Saucier's testimony now, while he's right here,  
8                   before we take a break?

9                   [Background Talking]

10                  COMMISSIONER MCKEE: All right. Could you  
11                  state your name for the record please, sir?

12                  MR. SAUCIER: Dana Saucier.

13                  COMMISSIONER MCKEE: Would you please raise  
14                  your right hand? Do you solemnly swear or affirm to  
15                  tell the truth at this public hearing today?

16                  MR. SAUCIER: I do.

17                  COMMISSIONER MCKEE: All right.

18                  D A N A S A U C I E R, having been first  
19                  duly sworn, testified as follows:

20                  DIRECT EXAMINATION

21                  BY MS. PHYLLIS GARDINER

22                  Q: Mr. Saucier, this is Phyllis Gardiner. I'm a  
23                  counsel for the Commission. Can you see me or not?

24                  A: I cannot.

25                  Q: Okay. Do you--

1                   COMMISSIONER MCKEE: [Interposing] We're  
2                   going to play some musical chairs here so you can  
3                   see.

4                   Q: Can you see me from this position, Mr. Saucier?

5                   A: I can.

6                   Q: Okay. Where do you reside, Mr. Saucier?

7                   A: I reside in Eagle Lake, Maine.

8                   Q: Okay. And you are currently retired?

9                   A: I am, although I do consulting work for my--as a  
10                  partner in a consulting firm.

11                  Q: And was the consulting firm your principle  
12                  business before you retired?

13                  A: No, ma'am. I was an executive with International  
14                  Paper.

15                  Q: Okay. And are you related, in any way, to Mike  
16                  Nadeau?

17                  A: No, I am not.

18                  Q: Have you been a friend of Mike Nadeau's?

19                  A: I have known Mike Nadeau as a client, as I have  
20                  bought equipment and materials from him. I've done  
21                  business with his business.

22                  Q: Okay. And did you help Mr. Nadeau with his  
23                  campaign for the House of Representatives last year?

24                  A: Yes, I did.

25                  Q: And what did you actually do for the campaign?

1           A:    I was a volunteer and I pretty much handed out  
2           flyers and took part in the shaping of a mailer at the end  
3           of the campaign, a few days before the actual election.

4           Q:    Were you involved in any other activities with  
5           the campaign; did you go door to door with the candidate  
6           at all, or by yourself?

7           A:    Yes, on one occasion.  I--excuse me?

8           Q:    No, go ahead.

9           A:    Yes, I did.  Yes, I did one time.

10          Q:    Okay.  And were involved in developing any  
11          campaign literature, other than the one piece you just  
12          eluded to?

13          A:    No, I have not had that experience.

14          Q:    Did you give the candidate any advice or  
15          participate in any decision making for the campaign?

16          A:    Other than sitting down and strategizing and  
17          talking about possible tactics, nothing other than that.  
18          It was a general conversation between the two of us, yes.

19          Q:    And how often would you have discussions about  
20          strategy with the candidate?

21          A:    As the campaign evolved, I would say possibly  
22          once a week for the last four or five weeks of the  
23          campaign.

24          Q:    And were those discussions just between yourself  
25          and the candidate, Mr. Nadeau?

1           A:    Pretty much, yes.

2           Q:    Were there ever discussions of a strategy nature  
3           that involved others as well?

4           A:    Could you refine that and explain that a little  
5           more please?

6           Q:    Okay.  You've mentioned that you would have,  
7           perhaps once a week, discussions with Mr. Nadeau, the  
8           candidate, about campaign strategy, and I--if I understood  
9           you correctly, you testified that, for the most part,  
10          those were discussions just between the two of you--  
11          yourself and Mr. Nadeau.

12          A:    Pretty much, yeah.  Yes, pretty much.

13          Q:    Was anyone else ever present for those  
14          discussions, that you can recall?

15          A:    No, I'd honestly have to answer no to that  
16          question because we were pretty closed on discussion of  
17          strategy or tactics throughout the campaign.

18          Q:    Was there a particular location where you would  
19          typically meet to have these discussions?

20          A:    Pretty much in his work environment or his site  
21          where his office--where he was holding his office.

22          Q:    And is that the Mike and Sons business location?

23          A:    That's correct.

24          Q:    Okay.  Do you know was Phil Soucy ever in on any  
25          of those strategy discussions between you and the

1 candidate?

2 A: No, Phil, on occasion, would show up during a  
3 discussion but we were always pretty guarded--or I was  
4 anyway--pretty guarded about discussing strategy or  
5 tactics with anybody else present.

6 Q: Do you know if anyone else, besides yourself, was  
7 involved in strategy discussions with Mr. Nadeau when you  
8 were not present?

9 A: No, I do not, ma'am.

10 Q: Okay. Thank you. You've got the exhibits in  
11 front of you there, do you; the documents from the  
12 Commission?

13 A: Yes, I do.

14 Q: Would you--

15 A: [Interposing] Yes, I do.

16 Q: --turn to number 25 please?

17 A: I have it before me.

18 Q: Okay. And do you--can you tell us what that  
19 document is?

20 A: I'm sorry. I didn't catch your question.

21 Q: Sorry. Can you identify that document for us?

22 A: Yes. It's a mailer that was sent out a few days  
23 before the election, actually intended to hit all of the  
24 main--the households in the community represented in  
25 District One. We were hoping that this would make it into

1 each of the households by Saturday prior to the election  
2 date.

3 Q: And when you say we were hoping, who were you  
4 referring to specifically?

5 A: Mr. Majka and I, and to a certain extent, Phil  
6 Soucy.

7 Q: When did the idea for this mailing come about?

8 A: Actually, as Jim Majka shared with you earlier,  
9 the last publication of our weekly newspapers is on  
10 Wednesday. Upon reading the freshest edition of  
11 Fiddlehead Focus and the Saint John Valley Times,  
12 departing from having looked at that together, we elected  
13 to construct something that would be able to go out before  
14 election day, the following Tuesday.

15 Q: Which edition of the Fiddlehead Focus are you  
16 referring to; the October 31st publication?

17 A: I don't have the exact date but it was the  
18 Wednesday prior to November 6th, whatever date that is. I  
19 don't have a calendar before me, ma'am.

20 Q: Okay. If you would just turn briefly, please, to  
21 exhibit 21.

22 A: Okay.

23 Q: Up in the upper left corner, this is an exhibit  
24 that has an ad that Mr. Majka testified about, and in the  
25 upper left corner, it says Fiddlehead Focus, October 31,

1 2012, page 16; do you see that?

2 A: Right, I see that.

3 Q: Do you recognize this as being an edition of the  
4 paper that would have come out on that day?

5 A: I'm assuming it is a photocopy of that edition of  
6 that page.

7 Q: So, are you--back to exhibit 25 then and how this  
8 mailing developed, you're saying that you and Mr. Majka  
9 had a conversation after that October 31st edition of the  
10 Fiddlehead Focus was published, about creating a mailer?

11 A: If October 31st is the last Wednesday before the  
12 November 6th election, then that would be the last edition  
13 that we were referring to, and having read through that  
14 and taking into account all the ads that were placed, that  
15 was when we talked about doing something that resulted in  
16 this mailer.

17 Q: Do you recall where you were when you had that  
18 discussion--initial discussion with Mr. Majka?

19 A: Actually we were on--we were--we had come out of  
20 the headquarters--the Mike Nadeau Campaign headquarters--  
21 and we were standing, leaning on our trucks, talking about  
22 what could we do.

23 Q: And did you have any discussion with Mr. Nadeau  
24 about that edition of the Fiddlehead Focus and what you  
25 saw in that edition?



1           A:    We had gone through the paper together in his  
2           headquarters, just prior to this discussion outside, just  
3           looking at what had been posted by all candidates in both  
4           papers on that particular date.

5           Q:    And what did you discuss with Mr. Nadeau and--

6           A:    [Interposing] We discussed--the discussion  
7           centered around the various ads put out by the various  
8           campaigns that were being run during this particular  
9           election period.

10          Q:    And do you recall any particular observations or  
11          reactions Mr. Nadeau expressed about those ads?

12          A:    Nothing specific that I can relate.  You know, we  
13          took exception to certain verbiage but I don't recall  
14          anything specific that I could point out to you because  
15          without the paper in front of me to look at the other ads  
16          or all of the ads that were posted, I'm at a loss to be  
17          able to answer your question specifically, ma'am.

18          Q:    Okay.  Did the idea of creating a mailing to  
19          respond, in any way, to these ads come up in your  
20          discussions with Mr. Nadeau in his office that day?

21          A:    Not once.

22          Q:    So, you're saying it wasn't until you were  
23          outside the office, leaning on your truck, so to speak,  
24          that you and Mr. Majka started to discuss putting together  
25          a mailing?

1           A:    That's correct, ma'am.

2           Q:    What role did you have in putting together the  
3 mailing?

4           A:    Actually I did some of the research to find some  
5 of the key points.  If you look at the exhibit 25, you  
6 will see that some of the individual points, the reference  
7 sources, I was the one that pulled together the sources  
8 and actually came up with structuring some of the verbiage  
9 that you see here.

10          Q:    And so you wrote some of the text on this  
11 exhibit, on this page?

12          A:    Yes, ma'am.

13          Q:    And who else was involved in developing text for  
14 the ad?

15          A:    Well, actually what happened is that I wrote the  
16 first draft, sent it to Jim Majka.  He polished it up a  
17 little bit, shortened it a little bit, and sent it back to  
18 me.  We exchanged various drafts a couple times before we  
19 ended up with the final draft, as you see.

20          Q:    And do you recall over what time period you  
21 developed this and exchanged the drafts of the ad?  I'm  
22 sorry.  Not the ad, the mailer.

23          A:    Yeah, pretty much--it was pretty much about a day  
24 and an evening, because I recall, on that Wednesday,  
25 leaving the office and talking about this and my comment

1 to Jim was I'm going home to do some homework and put  
2 something together, and I left and went up to my home, and  
3 that Wednesday afternoon put the first draft of this  
4 together, and we exchanged this back and forth Wednesday  
5 afternoon, Wednesday evening, and I would say early  
6 Thursday morning until we finally came to the final copy  
7 you see before you.

8 Q: Did anyone else, besides you and Mr. Majka, see  
9 this mailer as it was being developed--or I should say see  
10 this mailer before it was submitted to the print shop?

11 A: No, ma'am.

12 Q: And do you recall what--you used a print shop to  
13 actually produce this once you had a final draft, correct?

14 A: No, ma'am. I just put the verbiage together in  
15 Microsoft Word and then submitted it to Jim, and then as  
16 Jim Majka has just prior testified, he put the graphic  
17 arts together, if you will, or the graphics together to  
18 make it look the way it looks today. My role was  
19 exclusively to come up with the verbiage.

20 Q: Okay. Do you know who made the arrangements with  
21 the print shop?

22 A: I believe at the conclusion, when we'd agree that  
23 we had a final copy, text-wise, that we were satisfied  
24 with, and that Jim had orchestrated or put together the  
25 graphics as you see, I believe he submitted that to a

1 print shop for costing and printing.

2 Q: And did you have any discussions with Mr. Majka,  
3 or anyone else, about what this ad would--sorry--what this  
4 mailing would cost to produce and distribute?

5 A: I remember having a discussion that said that  
6 [background coughing] under \$1,500 and I had already  
7 gotten instructions that it had to be under \$1,500.

8 Q: And who gave you those instructions?

9 A: I received those instructions from Representative  
10 Andre Cushing, who also submitted to me a link where I was  
11 able to get, from your website, a corporation - - myself  
12 of the application that needed to be filled out.

13 Q: Can you--what application are you referring to?

14 A: I'm referring to the--excuse me for a moment.  
15 I'm referring to the application that was submitted to  
16 you, through the Commission. Excuse me. These exhibits  
17 are not in order if you--

18 Q: [Interposing] Okay. You're referring to one of  
19 the--

20 A: [Interposing] 28. It's your exhibit--

21 Q: [Interposing] You're referring to 28? Are you  
22 referring to exhibit 28?

23 A: I am, indeed.

24 Q: Okay. So, you're say--

25 A: [Interposing] He sent me the link from which I

1 was able to obtain this template, complete it in  
2 preparation to Mr. Phil Soucy signing it.

3 Q: Okay. Did you contact Mr. Cushing?

4 A: No, I did not actually. I contacted Charlie  
5 Weber because I didn't know what I needed to do. I knew I  
6 had to do something but I didn't know exactly what it was,  
7 so I contacted Charlie Weber and he mentioned to me that  
8 he would have somebody call me and maybe two or three  
9 hours later, I received a phone call from Mr. Cushing and  
10 he submitted to me the link that I was able to download  
11 this template.

12 Q: When you say Charlie Weber, are you referring to  
13 Mr. Webster, the head of the--who is the executive  
14 director of the Maine Republican Party at the time?

15 A: Yes, ma'am. I--

16 Q: [Interposing] Sorry. Chair, chairman.

17 A: I miscalled him. I'm sorry.

18 Q: But that's who you're referring to is the chair  
19 of the Republican Party?

20 A: Yes.

21 Q: Okay.

22 A: Yes, I am. I'm sorry.

23 Q: Thank you. Do you recall when the conversation  
24 with Mr. Cushing took place?

25 A: It actually took place--I'm venturing a guess,

1       ma'am, that either Wednesday late afternoon or Tuesday  
2       morning, but it was in that general timeframe because I  
3       knew I was on a short leash and I had to have it completed  
4       and done to you in accordance with your regulations, in  
5       prompt order.

6           Q:    Thank you.  Looking at exhibit 28, there's no  
7       reference to \$1,500 on there that I can see.  Do you  
8       recall how the \$1,500 sum came up, if it did, in your  
9       conversation with Mr. Cushing?

10          A:    Yes, I recall vividly.  Mr. Cushing told me that  
11       it had to be under \$1,500.

12          Q:    Did he explain why?

13          A:    It had something to do with otherwise filing as a  
14       lobbyist or some kind of other entity beyond what we were.

15          Q:    Okay.  Do you recall him mentioning a political  
16       action committee filing; does that ring any bell?

17          A:    Yes, it does, ma'am.

18          Q:    What did you do after you learned from Mr.  
19       Cushing about that \$1,500 limit and referred to the form  
20       we've been discussing--exhibit 28; to whom did you  
21       communicate that information about the limit on the cost  
22       of the mailing?

23          A:    The only one I communicated it to was the  
24       publisher, who I met with very briefly and said can this  
25       be done, can this printing be done and the mailer

1 organized through the postal service for under \$1,500, and  
2 so he did some homework on that. We determined the number  
3 of communities in question. We determined the number of  
4 households the postal service would deliver to each of  
5 those zip codes, and from that, he was able to give me an  
6 estimate of cost, and the cost was under \$1,500.

7 Q: And who was the publisher you spoke with?

8 A: This was Sign Inks or--I don't have the name  
9 exactly but Sign--Paper Sign Inks. I'm sorry. I'm  
10 looking at it on my notes.

11 Q: Okay.

12 A: The individual in question was actually the  
13 owner, a Steven Daigle.

14 Q: Steve Daigle?

15 A: Yes, ma'am.

16 Q: Thank you. What was the source of the funds to  
17 pay for the mailing?

18 A: Ma'am, I did--I never knew where the money came  
19 from, nor do I know now, after the fact.

20 Q: Okay.

21 A: I took care of putting the paperwork together and  
22 discussed with the printer that it had to be a job under  
23 \$1,500, even if it meant that we cut out some of the  
24 smaller communities to keep our postal part of the cost  
25 down, but all of the bill had to be some--had to be less

1       than \$1,500.

2           Q:    Okay.  So, after you had that conversation with  
3       Mr. Daigle, did you have any other involvement in this  
4       mailer; did you do anything with respect to this mailer  
5       after you had that conversation with Mr. Daigle about  
6       keeping it under \$1,500?

7           A:    No.  Well, the only other involvement I had was  
8       regarding your form--exhibit 28.  I had completed the--  
9       well, I had completed the form, all except for a mailing  
10      address as well as Mr. Soucy signing it, as well as going  
11      with Mr. Soucy to the Fort Kent Town Office, municipal  
12      town office, and getting a notary to notarize his  
13      signature.

14          Q:    Okay.  So--

15          A:    [Interposing] And bringing it back and sending it  
16      out - - .

17          Q:    Thank you.  So, just so our record is really  
18      clear, looking at exhibit 28, the printed information on  
19      the top section of that form is your handwriting, where  
20      the--

21          A:    [Interposing] Yes, ma'am.

22          Q:    Okay.

23          A:    It is.

24          Q:    And the--skipping to--well, no, on page two of  
25      the form, which is labeled as an affidavit, did you fill



1 out anything on that page?

2 A: No, ma'am. That is the notary public, Cindy  
3 Bouley [phonetic], and Mr. Soucy's signature.

4 Q: Okay. And then the next three pages of the  
5 exhibit, where there is handwriting, is that all your  
6 handwriting?

7 A: Yes, ma'am, it is.

8 Q: Okay. And how did you know, when you filled out  
9 this form, that the cost was going to be \$1,400--sorry--  
10 \$1,475.16, which appears to be listed.

11 A: I was standing in the publisher's office holding  
12 a copy of the invoice.

13 Q: Okay.

14 A: Which I believe is your page and exhibit--no, I  
15 don't see it. Yes--well, I don't see it, ma'am, but there  
16 is an invoice--there is an invoice which I have, which is  
17 not part of your exhibits. He had given me an invoice  
18 that was marked paid.

19 Q: Do you want to--Mr. Saucier, if you would look at  
20 exhibit 33, is that--the very last exhibit in the stack  
21 that you have there, I believe.

22 A: Now, bear with me, ma'am.

23 Q: Certainly.

24 A: Excuse me. Ma'am, did you say 33?

25 Q: I did, yes.

1           A:    I don't have a 33.

2           Q:    Oh. All right. I'm sorry. Well then if you--  
3 okay. You have your own copy of an invoice that was given  
4 to you by Paper Signs Ink; is that correct?

5           A:    I do, ma'am.

6           Q:    And--

7           A:    [Interposing] And it's dated paid on the 1st of  
8 November, 2012.

9           Q:    Okay. And--

10          A:    [Interposing] In fact, there's a question that  
11 you asked me, how did I know that amount was.

12          Q:    Right.

13          A:    I was standing in the publisher's office holding  
14 an invoice, or a paid invoice, that he had provided me  
15 with the information to fill out that form or the rest of  
16 the form in the exhibit--

17          Q:    [Interposing] 28, exhibit--

18          A:    --28.

19          Q:    --28.

20          A:    Yes, ma'am.

21          Q:    Okay. So, had this invoice been paid at the time  
22 you were standing in the print shop holding this invoice  
23 in your hand?

24          A:    Yes, ma'am. It had been because, like I said, I  
25 was holding an invoice that said--

1 Q: [Interposing] Okay.

2 A: --stamped at the top of it, paid on the 1st of  
3 November, 2012.

4 Q: Okay. But you don't know how it was paid; is  
5 that correct?

6 A: I have no knowledge of how or when it had been  
7 paid. All I know is that it had been paid.

8 Q: Okay. So, you went with Mr. Soucy--you filled  
9 out the report, the form that's exhibit 28, and you went,  
10 you said, with Mr. Soucy to the town office and you were  
11 there when he signed the affidavit?

12 A: I was.

13 Q: The invoice that you just referred to says bill  
14 to Citizens for Effective Government, L. Phillip Soucy--

15 A: [Interposing] That's correct.

16 Q: --at the top, correct? Who came up with the name  
17 Citizens for Effective Government?

18 A: I did.

19 Q: And who did you consider was involved in Citizens  
20 for Effective Government, or who were the Citizens for  
21 Effective Government?

22 A: Myself, Jim Majka, and Phil Soucy.

23 Q: Okay. When did Phil Soucy first become involved  
24 at all in this mailer?

25 A: I actually called him at his home and

1       unfortunately did not speak with him. I left him a  
2       message and indicated that the following morning, which  
3       would have been Thursday morning, I needed to have him  
4       meet me at the printer's office to fill out or sign the  
5       exhibit 28, and when I got there, he showed up about ten  
6       minutes after I arrived that morning. I'm saying  
7       approximately 9:00 that morning, the following morning,  
8       which would have been Thursday of that week.

9           Q:    Okay. And I take it you called him because you  
10       knew he was the treasurer--no, I'm sorry. Why did you  
11       call Mr. Soucy to ask him to accompany you?

12          A:    I think you just answered it; because he was the  
13       treasurer.

14          Q:    And treasurer of what?

15          A:    Well, I knew him to be the treasurer of the  
16       campaign, but he was also the individual who said that he  
17       had money to be able to do these kinds of mailers or these  
18       kinds of other advertisements that we might want to do  
19       that with. Again, I had no knowledge of where that money  
20       was or from whom it came from.

21          Q:    Do you recall when he told you or when you  
22       became--when he told you that he had some money available  
23       to do this sort of mailer?

24          A:    No, ma'am. This was--this had to have been some  
25       significant time earlier. I don't recall, and no, I can't

1 specifically tell you. I don't recall.

2 Q: Okay. But it was significantly before you and  
3 Mr. Majka came up with the idea for the specific mailer,  
4 correct?

5 A: - - .

6 Q: Okay. Before Mr. Soucy signed the affidavit  
7 that's on the second page of exhibit 28, had you gone over  
8 this--did you go over this form with Mr. Soucy?

9 A: I did.

10 Q: And did you discuss at all with him the statement  
11 that he would be making in this affidavit?

12 A: The statement, do you mean by page two of this  
13 document?

14 Q: Correct. Page two that has a heading of  
15 affidavit, sort of the top middle of the page. There's a  
16 place for the--

17 A: [Interposing] I believe Mr.--I believe Mr. Soucy  
18 read the document before he signed it, yeah.

19 Q: Okay. And he signed it--or at least it appears  
20 that the notary dated it on the 2nd of November; do you--  
21 so, that would have been the day after you were in the  
22 print shop with him; is that--

23 A: [Interposing] No, that was the--that was the day  
24 we were at the print shop together, whatever day of the  
25 week that is, ma'am. I don't have a calendar--

1 Q: [Interposing] Okay.

2 A: --before me.

3 Q: Okay. Well, I'm just trying to get clarity  
4 because the first page of exhibit 28, at the bottom of the  
5 page, there's a signature line and the date. There's the  
6 name L. Philip--

7 A: [Interposing] Yeah.

8 Q: --Soucy written in and the date, November 1, and  
9 then the next page, the notary seems to have written in a  
10 number two. So, I just didn't know if you recalled the  
11 circumstances or one of those dates may be wrong or--

12 A: [Interposing] No, the--no, the November 1st date  
13 is not wrong. If you recall, I said that I received this  
14 document the night before, filled it out, and it was on  
15 the 1st, and I met Mr. Soucy at the print shop the  
16 following morning, on the 2nd. So, there's no error  
17 there.

18 Q: Okay. And did you go from the print shop to the  
19 town office?

20 A: Yes, ma'am.

21 Q: Okay.

22 A: And back to the print shop.

23 Q: And back to the print shop, okay. Had the print  
24 shop completed the mailing at that point? I'm sorry. Had  
25 the print shop started to distribute the mailing at that

1 point?

2 A: They were printing as we were speaking, and I  
3 believe as they gathered up enough mailers for a  
4 particular zip code address--in other words, one of the  
5 smaller communities--they were stacked and if somebody was  
6 available to take them to the post office in that  
7 community, they went out as we produced them.

8 Q: Okay. And again, just to be clear, at any point  
9 in the process of developing the text, designing it, going  
10 back and forth, going to the print shop, executing this  
11 form that we've been discussing--exhibit 28--was Mike  
12 Nadeau aware that any of this was going on, to the best of  
13 your knowledge?

14 A: Not to my knowledge, ma'am.

15 Q: Okay.

16 A: Not to my knowledge.

17 Q: Have you ever had a conversation with Mr. Nadeau  
18 about this mailing?

19 A: After the fact, yes. After the mailers actually  
20 hit the street and into the various homes, he received  
21 one, like everybody else, because he was on the--he was  
22 one of the zip codes, and so he received one and his  
23 business received one. Every mailing--everyone on that  
24 zip code received one, and he thanked us for making the  
25 effort and doing the work that we had done on his behalf.

1           Q:    When he received the mailing, do you know how he  
2           knew the individuals who had put it out?  I mean, did he  
3           know who Citizens for Effective Government were?

4           A:    I'm not sure that he did.  I'm not sure that he  
5           did.

6           Q:    But you recall that he thanked you, personally,  
7           for doing it, for being involved in--

8           A:    [Interposing] Well, after he found out who it  
9           was, yes, because he found out who was that entity and who  
10          were they, and I believe that this was several days later,  
11          but he--I recalled him thanking me after he knew that we  
12          had been involved in the production of this particular  
13          mailing.

14          Q:    Thank you.

15                   MR. WAYNE:  May I?

16                   MS. GARDINER:  Yes.  Mr. Wayne's got a  
17                   follow-up question.  We can switch seats so that you  
18                   can see him.

19          DIRECT EXAMINATION

20          BY MR. JONATHAN WAYNE

21          Q:    Mr. Saucier, when you were--oh.

22                   COMMISSIONER MCKEE:  We just lost him.

23                   [Background Conversations]

24                   COMMISSIONER MATHESON:  What happened?

25                   MS. GARDINER:  Oh, there.



1 COMMISSIONER HEALY: That's us.

2 MR. WAYNE: That's us.

3 COMMISSIONER MCKEE: We lost the connection.

4 [Background Conversations]

5 MS. GARDINER: I'm going to try to--yeah,  
6 see these little yellow buttons?

7 MR. WAYNE: Yeah.

8 MS. GARDINER: They have to turn green.

9 MR. WAYNE: Oh.

10 [Tape cuts out]

11 Q: ...inside the office with Jim Majka, how did you  
12 envision that you were going to pay for the mailing?

13 A: Well, at the time, if you recall, I recalled that  
14 Mr. Soucy said that there was money for doing these kinds  
15 of things, and I'm not sure I knew if there was still  
16 money, but I was going on the premise that there was  
17 something left, and I didn't know where it came from or  
18 what, and that wasn't really what I was concerned with.  
19 All I was concerned with was putting together the message.

20 Q: And could you explain, what was the reason for  
21 your call to Charlie Webster?

22 A: Someone had told me that if you wanted to do this  
23 kind of thing, that you had to fill out some paperwork for  
24 the Ethics Committee or Commission, and I didn't know what  
25 that was and I didn't know what the particulars were, and

1 so I know Charlie Webster so I called him and said how do  
2 I do this, what do I got to do?

3 Q: And did he give you any advice about how to  
4 comply with the laws or did he simply arrange for someone  
5 to call you later?

6 A: No, he basically told me that yes, there was  
7 paperwork but that he would have somebody call me with the  
8 appropriate--and provide me with the appropriate link to a  
9 - - template that I needed to complete documentation, and  
10 explain it to me, and that's when I received a call from  
11 Mr. Cushing.

12 Q: And how many conversations would you say you had  
13 with Mr. Cushing about the mailing?

14 A: Excuse me?

15 Q: I apologize. How many conversations did you have  
16 with Andre Cushing about the mailing?

17 A: One. Not about the mailing; about the  
18 application or the paperwork.

19 Q: And do you know Kenneth Nadeau, or did you know  
20 Kenneth Nadeau?

21 A: No, I did not.

22 Q: Do you know Renaldo Thibeault?

23 A: No, I'm sorry; that name doesn't ring a bell  
24 either.

25 MR. WAYNE: I guess I don't have any more

1           questions. Thank you.

2                   COMMISSIONER MCKEE: All right. Questions  
3           from Mr. Woodcock?

4                   MR. WOODCOCK: No questions.

5                   COMMISSIONER MCKEE: Mr. Logan?

6                   MR. LOGAN: Very briefly.

7           CROSS-EXAMINATION

8           BY MR. WILLIAM LOGAN

9           Q: Mr. Saucier, this--you're looking at exhibit 28.  
10          Were you the one who faxed that down to the Commission, if  
11          you--

12          A: [Interposing] I did. Well, no, I'm sorry. I  
13          take that back. Actually Paper Signs Ink faxed it on our  
14          behalf.

15          Q: Okay. So, is it--so, you filled out the  
16          paperwork the night before, on the parts you indicated, on  
17          November 1st, and on November 2nd you had Mr. Soucy sign  
18          this; is that correct?

19          A: Yes, sir.

20          Q: And did you say the affidavit was done in front  
21          of the town clerk?

22          A: That one--well, all of the paperwork, yes, but  
23          except for the signatures which were then affixed to this  
24          document in front of the notary public, Cindy Bouley, at  
25          the [background coughing].

1           Q:    At the town office?   Okay.   And so then you--just  
2           so I'm clear, you had left the town office, went back to  
3           Paper Signs Ink and had it faxed down to the Ethics  
4           Commission?

5           A:    That's correct.

6           Q:    Did Mr. Soucy accompany you back to Paper Signs  
7           Ink or did you part ways at the town office?

8           A:    No, he accompanied me back to the Paper Signs  
9           Ink.

10          Q:    Okay.

11          A:    We were there just a few minutes and we departed  
12          as they were working and we needed to get out of their  
13          way.

14          Q:    And so it's clear that I understand your  
15          testimony, the conversation that you had with Mr. Cushing,  
16          you did not discuss the nature of the mailer you were  
17          doing?

18          A:    No.

19          Q:    Your discussion was limited to paperwork filing  
20          that would need to be done with the Commission?

21          A:    Yes.

22          Q:    And so you--

23          A:    [Interposing] And--excuse me.   And I would add to  
24          that that he reverberated the comment that whatever we did  
25          had to be under \$1,500, otherwise it was a whole another

1 procedure to comply with, and that's not what we wanted to  
2 do.

3 Q: Okay. So, the conversation around the \$1,500, it  
4 was your understanding that if you exceeded that, you were  
5 going to have to file additional paperwork?

6 A: Yes, and become a different entity altogether,  
7 from what I understood.

8 MR. LOGAN: Okay. That's all I have.

9 COMMISSIONER MCKEE: Questions from  
10 Commissioners for Mr. Saucier? Commissioner  
11 Matheson?

12 COMMISSIONER MATHESON: Thank you, Mr.  
13 Chair.

14 EXAMINATION

15 BY COMMISSIONER MARGARET MATHESON

16 Q: This is Margaret Matheson, Commissioner. I'm  
17 just curious. Do you remember when--you said you came up  
18 with a name--Citizens for Effective Government. When did  
19 you sort of do that; when do you become a solidified  
20 group?

21 A: Well, actually when I found out on the  
22 documentation that we had to have--that it had to be an  
23 organization or an individual, and there was more than one  
24 of us, and at that point is when we decided to--or I  
25 decided, rather, to call it this group rather than an

1 individual.

2 Q: So, had the three of you sort of had any kind of  
3 a meeting beforehand or did you have a conference to  
4 discuss that this was going to be the group?

5 A: No, ma'am, we did not. I came up with it and put  
6 it on the document and then actually showed it to Phil  
7 Soucy when he looked at these documents the following  
8 morning, and Jim Majka saw it during the course of that  
9 day when he looked at the finished printer--I'm sorry--the  
10 finished mailer that had been printed.

11 Q: Okay. Thank you.

12 COMMISSIONER MCKEE: Any other questions  
13 from any of the Commissioners? Any follow-up  
14 questions from any of the attorneys, staff? Go  
15 ahead.

16 REDIRECT EXAMINATION

17 BY MR. JONATHAN WAYNE

18 Q: Mr. Saucier, we were just wondering; when you  
19 completed the first page of that report that was filed  
20 with our office, exhibit 28, at the top it says L. Philip  
21 Soucy, treasurer. Why did--do you recall why you named  
22 Mr. Soucy as the treasurer of the organization?

23 A: Because he had the money.

24 Q: Good answer.

25 [Laughter]

1           A:    Sounded like a good title to me.

2                    COMMISSIONER MCKEE:   Any other questions at  
3           all?

4                    MR. WAYNE:   Well, one last question.

5           Q:    Were you aware that Philip Soucy had provided  
6           information to the Commission at a meeting previously?

7           A:    Previous to today?

8           Q:    Before today.

9           A:    I met Phil Soucy at McDonald's having a coffee  
10          one day and he already--he told me, at that time, that he  
11          had already talked with you folks or somebody in your  
12          office, and that was the extent of it, and he said I'm not  
13          allowed to tell you anything, share with you any of the  
14          information, etcetera, and I said that's fine, and that's  
15          the one and only time that would resemble your question.

16                   MR. WAYNE:   Okay.   Thank you very much.

17                   COMMISSIONER MCKEE:   Is everybody done?  
18          Everybody okay with releasing Mr. Saucier finally?  
19          Great.   Thank you very much for your presence.  
20          You're free to go.

21                   MR. SAUCIER:   Thank you.

22                   COMMISSIONER MCKEE:   All right.   It's a good  
23          time to take a break.   It's 12:20.   We're going to  
24          reconvene at 1:00 and keep moving.

25                   [OFF THE RECORD]

1 [ON THE RECORD]

2 MR. WALTER F. MCKEE: Good afternoon, Mr.  
3 Soucy, could you state your full name for the record,  
4 please?

5 MR. PHILIP SOUCY: Louis Philip Soucy.

6 COMMISSIONER MCKEE: Would you raise your  
7 right hand, please? Do you solemnly swear or affirm  
8 to tell the truth at this public hearing today?

9 MR. SOUCY: I do.

10 L O U I S P H I L I P S O U C Y, having  
11 been first duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. JONATHAN WAYNE

14 Q: Could you state your address please?

15 A: Yes, okay. 31 Pinkham Avenue, Fort Kent, 04743.

16 Q: Thank you. Are you retired, sir?

17 A: Yes, I am.

18 Q: What profession were you in before you were  
19 retired?

20 A: Investment banker.

21 Q: Thank you. We wanted to ask a few questions  
22 about your involvement in Mike Nadeau's campaign.

23 A: Can I answer that?

24 Q: How about a specific question if you don't mind.  
25 Did you have a position in his campaign?



1           A: I will exercise my right under the 5<sup>th</sup> Amendment  
2 and not testify today, at the request of my attorney.

3           COMMISSIONER MCKEE: Mr. Soucy, what's  
4 going to happen I think from this point forward is  
5 that in order for us to go through this process  
6 there's probably a number of questions will be asked  
7 of you and if you want to assert the 5<sup>th</sup> each of  
8 those. Though, some things that are, I think the  
9 position you can take on across the board to all  
10 questions, but what we're going to have to do to  
11 build a little record here I think is to have Mr.  
12 Wayne ask you a series of questions. So, if it  
13 sounds redundant and you keep having to say that you  
14 exercise your right, then that's fine by us.

15          A: Can I just say plead the 5<sup>th</sup>?

16          COMMISSIONER MCKEE: I will take that as  
17 you asserting your right not to testify based on the  
18 5<sup>th</sup> amendment to the constitution.

19          A: Yes.

20          COMMISSIONER MCKEE: Fine, fair enough.  
21 You're going to be asked a series of question,  
22 nonetheless and so, we'll just go with that process.

23          Q: Well, my first few questions were simply trying  
24 to confirm that what Mr. Soucy did as the treasurer, I'll  
25 go ahead and ask the questions. I'm not sure how

1       incriminating they are. Did you have a position in Mr.  
2       Nadeau's campaign?

3             A: I plead the 5<sup>th</sup> on that one and all of them.

4                     COMMISSIONER MCKEE: I think you're going  
5       to have to go through each part. I don't know that I  
6       can make a determination whether that's an  
7       appropriate assertion. I think that it's fairly  
8       broad privilege and he has the advice of counsel and  
9       I think I'm going to allow him to do that on the  
10      question. I'm not going to make a ruling, so unless  
11      you tell me that I can do otherwise, as to whether  
12      that's an appropriate assertion.

13            Q: What activities did you perform as Mr. Nadeau's  
14      treasurer?

15            A: I plead the 5th.

16            Q: Were you involved in a mailing that was organized  
17      by Jim Majka and Dana Saucier?

18            A: Plead the 5th.

19            Q: Okay, let me finish my questions.

20            A: Oh, I'm sorry.

21            Q: Thank you. To promote Michael Nadeau?

22            A: I plead the 5th.

23            Q: Where did you get the money for the mailing?

24            A: I plead the 5th.

25            Q: Did you have any conversations with any donors

1 that provided money for the mailing?

2 A: I plead the 5<sup>th</sup>.

3 Q: How did you know that money would be available  
4 for a mailing?

5 A: I plead the 5<sup>th</sup>.

6 Q: Did you pay Paper Signs Inc. for the mailing?

7 A: I plead the 5<sup>th</sup>.

8 Q: What form of payment did you make to Paper Signs  
9 Inc.?

10 A: I plead the 5<sup>th</sup>.

11 Q: Did you receive any reimbursement for the payment  
12 that you made to Paper Signs Inc.?

13 A: I plead the 5<sup>th</sup>.

14 Q: Did they give you a receipt for the purchase?

15 A: I plead the 5<sup>th</sup>.

16 Q: What amounts were given to you to provide you,  
17 what were the amounts that you received in order to  
18 finance that mailing?

19 A: I plead the 5<sup>th</sup>.

20 Q: Did anyone ask the donors to contribute?

21 A: I plead the 5<sup>th</sup>.

22 Q: Did the money come from Mike Nadeau?

23 A: I plead the 5<sup>th</sup>.

24 Q: Did Mike Nadeau give you the money?

25 A: I plead the 5<sup>th</sup>.

1 Q: Did Mike and Sons give you the money?

2 A: I plead the 5th.

3 Q: Did you receive any money from Kenneth Nadeau?

4 A: I plead the 5th.

5 Q: Did you receive any money from Norman Nadeau?

6 A: I plead the 5th.

7 Q: Did you receive any money from Ronaldo Thibeault?

8 A: I plead the 5th.

9 Q: How did money from them get from Connecticut to  
10 Maine?

11 A: I plead the 5th.

12 Q: Where did you keep the cash?

13 A: I plead the 5th.

14 Q: Was there any leftover cash after the purchase of  
15 the mailing?

16 A: I plead the 5th.

17 Q: What did you do with the left over money?

18 A: I plead the 5th.

19 Q: At any stage in the mailing did Mike Nadeau know  
20 that you were planning on sending a mailing to help him  
21 get elected?

22 A: I plead the 5th.

23 Q: Did you consult with Mike Nadeau on the mailing?

24 A: I plead the 5th.

25 Q: Have you ever discussed the mailing with Mike

1 Nadeau?

2 A: I plead the 5th.

3 Q: Did you receive any advice or any assistance from  
4 Andre Cushing in connection with the mailing?

5 A: I plead the 5th.

6 MR. WAYNE: We were going to ask him  
7 questions about the independent expenditure form. I  
8 don't, under the circumstances, am I permitted to  
9 show him an exhibit, or should we not?

10 COMMISSIONER MCKEE: You can show him the  
11 exhibit, but he's entitled to a certain privilege.  
12 At some point before we really complete his testimony  
13 I want an opportunity to go into executive session to  
14 consult with our counsel in connection with this  
15 development. Okay. So, if you want to ask more  
16 questions, you are welcome to. If you want to show  
17 him an exhibit, you - -

18 MR. WAYNE: Thanks a lot. This will be.

19 MR. LOGAN: 28?

20 MR. WAYNE: The independent expenditure  
21 form, which is number 28.

22 MR. LOGAN: Sir, I don't know if you want  
23 to do it for the record, but he will assert the  
24 privilege in relation to all questions related to  
25 Exhibit 28.

1           Q: I want to refer your attention to Exhibit 28. If  
2 you'd look at the cover page, is that your signature at  
3 the bottom of the exhibit?

4           A: I plead the 5th.

5           Q: Turning to page 2, this is the exhibit entitled  
6 affidavit, under, about midway down the page there's a  
7 field for signature of affiant. Is that your signature,  
8 sir?

9           A: I plead the 5th.

10           MR. WAYNE: Under the circumstances, I  
11 don't have any other questions.

12           COMMISSIONER HEALY: If we're going to into  
13 executive sessions, I'd request the witness to remain  
14 present until we go out of executive session.

15           COMMISSIONER MCKEE: Is there some reason  
16 you want to do that? I wanted to receive the advice.

17           COMMISSIONER HEALY: I do. I want that to  
18 happen.

19           COMMISSIONER MCKEE: Right.

20           COMMISSIONER HEALY: And I don't know  
21 what's going to, what that advise is going to be.

22           COMMISSIONER MCKEE: Okay.

23           COMMISSIONER HEALY: Okay. And I don't  
24 want the witness to leave the room and not be  
25 available.

1 MR. LOGAN: I can, he will be present.  
2 He's here under subpoena.

3 COMMISSIONER MCKEE: You mean leave the  
4 building?

5 MR. LOGAN: He won't leave the building.

6 COMMISSIONER HEALY: No, I mean - -

7 MR. LOGAN: Until after, we resumed open  
8 session.

9 COMMISSIONER HEALY: I want him to be  
10 available to recall after.

11 COMMISSIONER MCKEE: Oh, yes. All right,  
12 so at this point I'll move that we go into executive  
13 session to receive the advice of our counsel in  
14 connection with the assertion of the 5<sup>th</sup> amendment  
15 privilege not to testifying by the witness in this  
16 proceeding. Anybody second the motion?

17 COMMISSIONER AMERO: Second.

18 COMMISSIONER MCKEE: All in favor. All  
19 right, we'll go into executive session. If you would  
20 just stand by outside.

21 [OFF THE RECORD]

22 [ON THE RECORD]

23 COMMISSIONER MCKEE: Out of executive  
24 session. Do we have a second? All in favor? We are  
25 out of executive session. We're back here in and I

1 understand that Mr. Wayne wishes to ask some follow  
2 up short additional questions of Mr. Soucy.

3 Q: At any stage in this mailing did Michael Nadeau  
4 know that you were planning on sending the mailing?

5 A: I plead the 5th.

6 Q: Did you ever consult with Mike Nadeau on the  
7 mailing?

8 A: I plead the 5th.

9 Q: Did he cooperate in any way on the mailing?

10 A: I plead the 5th.

11 Q: Have you ever discussed the mailing with Mr.  
12 Nadeau?

13 A: I plead the 5th.

14 Q: Were you, as the treasurer of the campaign, were  
15 you authorized to make payments on behalf of the campaign?

16 A: I plead the 5th.

17 Q: Did you sign any campaign finance reports  
18 certifying that the campaign finance reports were true and  
19 accurate and complete?

20 A: I plead the 5th.

21 Q: Did Mr. Nadeau assist in any way in providing you  
22 with the funds for the mailing?

23 A: I plead the 5th.

24 Q: I want to refer the witness to one more exhibit.

25 COMMISSIONER MCKEE: Which number?



1 MR. LOGAN: It's number 16.

2 Q: Do you remember seeing this letter?

3 A: I plead the 5th.

4 Q: Do you have any documents relating to the mailing  
5 such as a record of a credit card payment?

6 A: I plead the 5<sup>th</sup> on the last question.

7 Q: I just want to refer your attention to one more  
8 exhibit. It's number 13. Have you seen this document  
9 before?

10 A: I plead the 5th.

11 Q: Are you aware that you're required to produce at  
12 this hearing all documents in your possession relating to  
13 the paid mailing or any paid advertising to promote Mr.  
14 Nadeau?

15 A: I plead the 5th.

16 MR. WAYNE: I've got a question for Mr.  
17 Logan, if the chair would permit? Mr. Logan, are you  
18 prepared to tell the Commission whether or not any of  
19 the documents exist?

20 MR. LOGAN: If I can have a minute to  
21 consult with my client.

22 COMMISSIONER MCKEE: Just on that point the  
23 existence of documents, compelling the documents, or  
24 the protection of those is and not some sort of  
25 testimonial act. I think the position that we would

1 take as a Commission I'm sure on advise of our  
2 counsel is that bringing those documents is not an  
3 issue.

4 MR. WOODCOCK: Not true, act of production  
5 is privilege, absolutely privilege.

6 COMMISSIONER MCKEE: We can debate the  
7 issue with counsel, but talk to Mr. Nadeau.

8 MR. LOGAN: With respect to your question,  
9 Jonathan, the client advised me that he doesn't have  
10 any email communications, that there are no samples  
11 of advertisements or mailings. He does have a copy  
12 of the invoice, which is Exhibit 33. He has that in  
13 his vehicle, if you would like him to get that. He's  
14 happy to. He believes he may have the payments  
15 receipt with the credit card stapled to that. And he  
16 does have a bank attachment in his vehicle. He can  
17 retrieve those today if that's what you wish.

18 MR. WAYNE: I think we would be - -

19 COMMISSIONER MCKEE: Yes.

20 MR. LOGAN: Yes.

21 COMMISSIONER MCKEE: If he wants to do that  
22 while, I don't we have anything else for Mr. Soucy.  
23 Now, we can set that aside and have him come back  
24 here with the documents and provide them to you  
25 later. It sounds like we're going to have to

1 continue things on after today anyway.

2 COMMISSIONER MCKEE: I think so.

3 MR. WAYNE: And I'll take the testimony of  
4 Mr. Nadeau.

5 COMMISSIONER MCKEE: Okay.

6 [crosstalk]

7 COMMISSIONER MCKEE: You can simply provide  
8 them. You don't have to - - since he's going to come  
9 in and say that those are the ones that he's  
10 providing. You provide those to the commission and  
11 we're satisfied with that.

12 MR. LOGAN: Okay.

13 MR. WAYNE: That's - -

14 MR. LOGAN: That's fine. Is he released?

15 COMMISSIONER MCKEE: He is. Mr. Nadeau,  
16 would you come forward with your attorney. And state  
17 your name for the record, please?

18 MR. NADEAU: Allen Michael Nadeau.

19 COMMISSIONER MCKEE: Would you raise your  
20 right hand? Do you solemnly swear or affirm to tell  
21 the truth at this public hearing today?

22 MR. NADEAU: Yes, I do.

23 A L L E N M I C H A E L N A D E A U,  
24 having been duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MS. PHYLLIS GARDINER

2 Q: Mr. Nadeau, where do you reside?

3 A: Fort Kent, Maine.

4 Q: And what's your residence address?

5 A: 405 Sharkin Road.

6 Q: What is your occupation apart from being an  
7 elected representative from District One?

8 A: I sell and service equipment.

9 Q: Is that under the name of Mike & Sons?

10 A: Yes, it is.

11 Q: Okay. Are you currently the owner and operator  
12 of that business?

13 A: Yes.

14 Q: Had you run for elected office before this last  
15 election season?

16 A: Never.

17 Q: Okay. You ran as a Maine election act candidate  
18 in this past election cycle, correct?

19 A: Yes.

20 Q: Did you read the candidate's guide before you  
21 became a candidate, or after you became a candidate last  
22 year?

23 A: Not all of it, no.

24 Q: But you're familiar with the document called the  
25 Candidate's Guide?

1 A: Yes, absolutely.

2 Q: Do you have a copy of it?

3 A: No, I don't. I may have one in my possession at  
4 home, but I don't have it here.

5 Q: Did you attend any training for candidates that  
6 may have been put on by this commission or one of the  
7 parties, or any other group?

8 A: They were offered to me, but I did not attend.

9 Q: Okay. Look at the white book of the exhibits in  
10 front of you, sir, and if you would please turn to Exhibit  
11 29, which is labeled 2012 candidate registration. Do you  
12 recognize that document?

13 A: Yes.

14 Q: And did you fill out this candidate registration  
15 form?

16 A: Yes, I did.

17 Q: Can you tell me on the first page of this form,  
18 is all of this your handwriting or just the top portion,  
19 the first block that has your name listed. Did you fill  
20 that out?

21 A: Yes, I did.

22 Q: Okay. And the block below that which lists L.  
23 Philip Soucy's name and address, did you fill that out?

24 A: Yes, I did.

25 Q: Okay. And on the back side of the page you

1 filled that out as well and signed it?

2 A: Yes.

3 Q: On March 12, 2012? How did Mr. Soucy come to be  
4 your treasurer?

5 A: Well, I was told I needed, and absolutely had to  
6 have a treasurer listed, which I would have preferred not  
7 to, but and I've know Mr. Soucy as being active as far as  
8 the Republican party for thirty or so years. And it was  
9 to me, it was, I put his name down more as an honorary  
10 position than anything else, because I was told I had to  
11 have one.

12 Q: And who told you that you had to have one?

13 A: I believe it was in one of the discussions with  
14 probably Charlie Webster and a candidate that had run  
15 prior that I had talked to.

16 Q: And did you happen to review the state laws and  
17 regulations pertaining to candidate treasurers or the  
18 obligation of a candidate's treasurers? Did you review  
19 any of that yourself?

20 A: No, I did not.

21 Q: Did anyone tell you that as a Maine election  
22 candidate you couldn't serve as your own treasurer?

23 A: No, I was told the opposite, actually, quite a  
24 few times.

25 Q: And.

1           A:    People would, they all chose to do their own  
2 paperwork and that came from quite a few candidates.

3           Q:    And when you say do their own paperwork, do you  
4 mean by that filling out their own campaign finance  
5 reports?

6           A:    Yes.

7           Q:    When you selected Mr. Soucy to be your treasurer,  
8 did you discuss with him what his duties would be as  
9 treasurer?

10          A:    No.

11          Q:    Can you tell me what you discussed when you asked  
12 him to be your treasurer?

13          A:    The only thing that I asked him is if he minded  
14 signing on as my treasurer, but that I would be doing all  
15 of the paperwork. That's how it happened.

16          Q:    And when you said all the paperwork, what did you  
17 mean?

18          A:    The campaign finance reports, because I felt that  
19 that was the only thing that he responsible for was  
20 filling in those reports. As far as checking writing and  
21 paperwork or paying the bills, I never intended anybody  
22 else to do that for me.

23          Q:    How about maintaining receipts, invoices, records  
24 of any payments by the campaign?

25          A:    No, I did that.

1 Q: And you established the campaign's bank account?

2 A: Yes.

3 Q: Did anyone besides yourself have check writing  
4 authority on that account?

5 A: I believe my daughter-in-law, Alicia did towards  
6 the end of the campaign, because I was doing a lot of  
7 running around and there were a couple of bills that I  
8 needed to pay, but I couldn't get back in. Truthfully, I  
9 do not know if Phil was on as an authorized signer. I  
10 can't remember that. I mean, it would be easy enough to  
11 check.

12 Q: Do you know whether anyone besides yourself, in  
13 fact, wrote checks or drew funds out of the campaign  
14 account?

15 A: I think my daughter-in-law Alicia did pay one or  
16 two bills. I think that's in the check register.

17 Q: And so you filled out all of the campaign finance  
18 reports that were filed by your campaign?

19 A: Yes.

20 Q: Is that correct. Did Mr. Soucy have any  
21 involvement in preparing or reviewing those campaign  
22 finance reports?

23 A: He never saw one of them. He signed after I  
24 finished the reports and I was ready to sign them. I had  
25 the assistance of Tyler Backus from the Ethics commission



1 to help me fill in the paperwork, and then Mr. Soucy would  
2 come in and sign them.

3 Q: And where would he come in to sign them?

4 A: At my store.

5 Q: So, if you look for example, at the, turn to  
6 Exhibit 30, please. Do you recognize that as one of the  
7 campaign finance reports that you filed?

8 A: Yes.

9 Q: Okay. And there's a check box on the lower half  
10 of the page says 42 day pre-general report.

11 A: Right.

12 Q: And it's about a three page document, or at least  
13 this exhibit contains three pages. Is that your  
14 handwriting on all of those pages?

15 A: Yes.

16 Q: And your signature at the bottom of page one?

17 A: Yes, it is.

18 Q: And is that Mr. Soucy's signature at the bottom  
19 left on page one?

20 A: Yes, it is.

21 Q: So, at the time were you present when he signed  
22 that?

23 A: Yes.

24 Q: Okay. And at the time he signed that, was this  
25 entire report filled out?

1           A:    Yes.

2           Q:    In written form. Did you go over it with him  
3 when he came in to sign it?

4           A:    Never.

5           Q:    Okay. So, from your understanding or  
6 perspective, how would he make the statement above his  
7 signature that's printed on the form? I certify that I've  
8 examined this report and to the best of my knowledge it's  
9 true and correct, and complete?

10          A:    I could speculate that he put his confidence in  
11 me, because I don't believe he was able to do his  
12 paperwork in his capacity. I don't think he would be able  
13 to handle this.

14          Q:    And why do you say that?

15          A:    I've known him for a long time. And I've seen a  
16 great deal of deterioration in the last two years. There  
17 are times when we've almost had to pick him off the floor  
18 and I'm really surprised that he's here today, because  
19 he's not a well man. He's had severe dizzy issues and I  
20 don't know why he came here alone today.

21          Q:    Did that give you any concern in terms of name  
22 him as the treasurer of your campaign, knowing this?

23          A:    Like I said earlier, it was more an honorary  
24 position, because I was told that I had to have one. And  
25 because I had no intentions, as I've done in the past,

1 I've had to keep track of my stuff all the way through the  
2 year and this is no different.

3 Q: Given that you were told you had to have a  
4 treasurer, did it occur to you that you might be required  
5 to have a treasurer, because the treasurer was, in fact,  
6 supposed to do something for your campaign?

7 A: I didn't think at the time that it was such a  
8 severe issue being that I had talked with many candidates  
9 that had been here before in office, and others that were  
10 on the campaign trail that were saying that they actually  
11 did all of their own paperwork also. And they preferred  
12 it that way, and that they wouldn't have it any other way,  
13 because it was easy to keep track of who was getting paid  
14 on time and what was left to spend.

15 Q: Do you recall whether you asked anyone why you  
16 were required to have, to name a treasurer?

17 A: I may have, but I don't remember digging that  
18 deeply into it.

19 Q: Did Mr. Soucy do any work for your campaign?

20 A: At one point, we were canvassing the neighborhood  
21 and I had volunteers going door to door with pamphlets,  
22 and he drove a young man around for a couple hours at  
23 most. There's one incident that he did something for the  
24 campaign, and I believe on one date he drove along with  
25 three or four people and they went in one direction to put

1 road signs up and really that's the extent of what I had  
2 him do. He was awful hard of hearing and I would find  
3 myself no, Phil, that's not what I said. So, I would tell  
4 somebody else and they would keep him straight.

5 Q: How often did you have contact with Mr. Soucy  
6 during your campaign?

7 A: He would visit the store periodically, once a  
8 week, sometimes more, sometimes less, but not very often.

9 Q: Did you discuss the campaign and how it was going  
10 with him when he would stop by the store?

11 A: Really, he didn't want to discuss the campaign  
12 with me, because early on I had had a conversation with  
13 him and a couple others and they had asked me about doing  
14 a campaign like they had done all these years. And I  
15 stated no, I'm not getting on that ship. You've done it  
16 like that for 30 years and you've never won. And so, I'm  
17 not about to jump on that bandwagon. The success that  
18 I've had in life has been by doing things just out of the  
19 box, and not going with the flow. And so, he and another  
20 fellow at that point almost abandoned me, because I wasn't  
21 going to follow their traditions. And so, quite often he  
22 would come and say, well, how is your out of the box  
23 going. So, no, he didn't want to discuss those things.

24 Q: Who was the other individual who was?

25 A: Camille Burney from Frenchville, and Camille came

1 in about a week before the elections and he says I have no  
2 confidence in this out of the box campaign of yours, and  
3 he was frustrated anyway.

4 Q: What did they want you to do that you weren't  
5 interested in doing?

6 A: Well, I refused to go canvass door to door, like  
7 a lot of candidates. I was not physically able to do it.  
8 And I felt that the record that I've had serving the  
9 people in the valley for, since the age of 16, I talk to  
10 people every day in the store. Very outgoing community.  
11 When there's little get-togethers I go and I'm usually  
12 behind the scenes type of person offering assistance and  
13 help and what not. And so, after doing it for almost  
14 forty years, I wasn't going to go walking door to door. I  
15 had no confidence in that at all.

16 Q: Did Dana Saucier assist you with your campaign?

17 A: To a certain extent, Dana was in and out of Fort  
18 Kent quite often. He travelled to Bangor. He travelled  
19 to Washington a couple of times, and then at one point he  
20 was gone for almost a month to visit his children. I'm  
21 not sure where they live. But towards the, more towards  
22 the last month maybe, Dana was, he says I'm back. He says  
23 whatever you need me to do, I'll do it, and I said well,  
24 what do you want to do. So, he offered to canvass the  
25 neighborhoods, and he did that. He offered to early in

1 the campaign before he left, he went to put up signs on  
2 the road that he lives. He wasn't in favor of the not  
3 canvassing the neighborhood myself, but at one point he  
4 gave up asking. And so, he had a little bit more activity  
5 in the campaign when he'd come into Fort Kent he'd stop in  
6 and see me. It was on the way, and he'd ask me if there  
7 was anything he could do and I think probably on the 25%  
8 of the time I'd ask him to errands for me and that's about  
9 it.

10 Q: Do you recall sitting down with him in your  
11 office and just talking about the campaign strategy and  
12 what he might want to do next?

13 A: Very little. Now, the reason I say that is that  
14 the strategy was if you'd have asked me at the beginning  
15 of the campaign I couldn't have drawn it out for you. I  
16 had to do a lot of stuff into response of the environment  
17 around me. And at one point when the, particularly when I  
18 had asked one of the papers to put an ad for me and they  
19 refused and said that they were no longer going to be  
20 putting publications until the elections and that was on a  
21 Friday and on the following Wednesday they had three  
22 publications, one from Mike Michaud and one from Susan  
23 Collins and one from Bernard Ayotte. And so, when I  
24 presented this advertisement to another paper they swooped  
25 it up. So, at that point my reaction was I need to do my

1 own media, because if they're not letting me buy ads.

2 Q: Mr. Saucier describe this this morning and you  
3 were present for his testimony that he during the last  
4 several weeks of the campaign would stop in and meet  
5 approximately once a week with you and talk about the  
6 campaign. Is that accurate?

7 A: That's accurate, but it wasn't a formal, it was  
8 something that just sort of happened, because he'd stop in  
9 on the way to town. It wasn't like, I never had any  
10 scheduled meetings with people to discuss. It was what  
11 happens happens.

12 Q: And what work did Jim Majka do for your campaign?

13 A: Jim, when I decided to, I sat at my desk and I  
14 said, I'm not getting any help from the media and the ads  
15 are too pricey. So, that's when I went to, I said how  
16 about a website and I'm not very familiar with web, until  
17 then I'd never had a Facebook page or anything of that  
18 sort. So, that's when I asked Jim to help me. He was  
19 working part time, so it filled the void and he helped me,  
20 but the other part of it is Jim and I have been friends  
21 for all the time he's been in Fort Kent, which is ten or  
22 twelve years. Our kids were raised together. But that's  
23 when I asked him, because I didn't know - - and he had  
24 some knowledge and so that's where that started.

25 Q: And your campaign paid him \$350 for this?

1 A: Yes.

2 Q: The website and Facebook?

3 A: Yes.

4 Q: Was he paid for any other activities in support  
5 of your canvassing?

6 A: No.

7 Q: And he testified this morning about posting  
8 materials on your website and on the Facebook, and Exhibit  
9 26 and 27, take a quick look at those and you would  
10 describe those as examples of postings that he would put  
11 on the website, is that accurate in your view?

12 A: Yes.

13 Q: Did you ever give him a postcard mailing to post  
14 on your website or on Facebook?

15 A: No.

16 Q: So, he did these himself?

17 A: Yes.

18 Q: Sort of while you're on Exhibits, I skipped over  
19 Exhibit 31 just very briefly. Can you take a look at  
20 that? It's another campaign finance report labeled the  
21 2012 seed money report in the upper left corner. Do you  
22 recognize this as a report that you filed with the  
23 Commission, or the cover page of a report that you filed?

24 A: Yes.

25 Q: And is the handwriting on the top half of the



1 page yours?

2 A: No, that's my daughter-in-law.

3 Q: Okay. It's your signature on the bottom right?

4 A: Yes, it is.

5 Q: And again, Mr. Soucy's signature on the bottom  
6 left?

7 A: Yes.

8 Q: And were you present when he signed that as well?

9 A: Absolutely.

10 Q: Did your campaign finance reports I believe list  
11 Tyler LeClair as a paid staff member for the campaign is  
12 that?

13 A: That was a one-time, there was no staff. What he  
14 did was he came to Fort Kent I think, my recollection,  
15 would be earlier in the campaign than later. And he took  
16 flyers and he went door to door and numerous houses. I  
17 think he was in Fort Kent for a few days and, two or three  
18 days, I'm not sure exactly.

19 Q: Did you have any other paid staff?

20 A: I had no paid staff.

21 Q: Okay. You paid him, I don't know, whether you  
22 didn't call him staff?

23 A: Right, he was a volunteer.

24 Q: You paid him?

25 A: Yes.

1           Q: I think it's Exhibit 30 lists him as being  
2 campaign aide, on page 2 of Exhibit 30, is that accurate?

3           A: He was in town for two, two and a half days and  
4 that's what he went door to door.

5           Q: Okay.

6           A: So, that's the extent of it.

7           Q: How often did you meet with or have contact with  
8 Jim Majka during the campaign?

9           A: I would see Jim sometimes every day, sometimes  
10 two or three days. And sometimes I wouldn't see him for a  
11 week, depends on what was going on. He'd call me every  
12 once in a while, is there something I can do for you and  
13 he would make his bus run and after he made his bus run,  
14 he'd stop in and see me before he went home, but at times  
15 when I could go two, three days without seeing him,  
16 because I wasn't always at the store. And so, I would  
17 miss him, hit and miss. I don't know how much you want to  
18 label that, but it was more than seeing Dana and Phil.

19          Q: Did anyone else participate in decision making  
20 about the campaign, decisions on what the campaign might  
21 do, or what expenditures you might make with your election  
22 funds besides yourself?

23          A: No.

24          Q: Was there anybody that you consulted with as you  
25 were contemplating what you might do in the campaign?

1           A:   Not really. It was a fly off the hip you can  
2           call it. I would, I made phone calls to all the  
3           neighbors. I made phone calls to all of the TV channels  
4           that are in the valley, to all the radio stations. And I  
5           had them give me some quotes, and I would sit at night,  
6           and I would look at that for, I don't have enough,  
7           anywhere near enough money to put something together that  
8           I felt had too many different medias available. And one  
9           section of the county is pretty staunch on the St. John  
10          Valley Times in the Fort Kent area. That paper was going  
11          downhill and Fiddlehead Focus was going up. So.

12          Q:   I'm sorry, just in the interest of time.

13          A:   Oh, I'm sorry.

14          Q:   My simple question was just, did you consult with  
15          anybody about decisions? I assume you may gather  
16          information from media outlets?

17          A:   Yes.

18          Q:   But that's.

19          A:   No.

20          Q:   Different, okay.

21          A:   I made my own decisions.

22          Q:   Did Dana Saucier ever speak to you about the idea  
23          of just sending out a mailing in support of your  
24          candidacy?

25          A:   No.

1 Q: Did Jim Majka ever speak to you about the idea of  
2 putting out a mailing in support of your candidacy?

3 A: No.

4 Q: Do you recall having a discussion at your office  
5 on the Wednesday before the election when Fiddlehead Focus  
6 printed its weekly paper? Do you remember having a  
7 discussion with Mr. Saucier and Mr. Majka about the  
8 content of that Fiddlehead Focus edition and putting ads  
9 in it?

10 A: Yes, I do.

11 Q: And what do you remember about that discussion?

12 A: Well, I remember that what was going around in  
13 the discussion was that I had been hung out to dry, and  
14 that.

15 Q: What do you mean by that?

16 A: Well, from the advertisements that had been put  
17 out in opposition to me being on the ticket and so, the  
18 advertisements are political ads that were I believe  
19 extensive. I don't remember them today, but and that  
20 there was no more, they asked me if I was going to do an  
21 interview and respond, and I said no. At this point I  
22 can't. I don't have any funds to respond number one. And  
23 number two, my last response was probably going to be on  
24 my Facebook page, or on my campaign. And it's going to be  
25 with a short personal video clip. So, that was the extent

1 of that conversation.

2 Q: And you told them that you didn't have any funds  
3 with which to send a?

4 A: Yes.

5 Q: Can you turn to Exhibit 25, please? No, I'm  
6 sorry, Exhibit 25, I think you're looking at Exhibit 26.  
7 When did you see, well, this is a Xerox of a mailer,  
8 correct?

9 A: Yes.

10 Q: Page two of the exhibit shows the address, postal  
11 address side of it. When did you see this mailer for the  
12 first time?

13 A: When it showed up in the mail at my store.

14 Q: And had you been aware of the existence of the  
15 mailer before you saw it?

16 A: No.

17 Q: When you first saw it, did you have any idea who  
18 had produced it and put it out?

19 A: No.

20 Q: Did you try to find out?

21 A: Well, I was getting flyers and flyers and flyers  
22 in the mail. They were coming out of the woodwork. When  
23 I, I'll tell you exactly what I did when I opened this  
24 one. I opened it and read it, and I had customers in the  
25 store and threw it on the floor under the desk on the pile

1 of all of the other ones that I had there, which was a big  
2 pile. As far as going and try to find out who's it was  
3 that same day, no, I didn't do that. I anticipated that  
4 it was from the same place that had been sending  
5 something.

6 Q: And what place was that?

7 A: The Respect Maine.

8 Q: The Respect Maine political action committee?

9 A: Yes. I thought that's what was it, because  
10 that's where most of the other ones had come from.

11 Q: That were supportive of your campaign?

12 A: Yes.

13 Q: So, after you had tossed it on the pile, when did  
14 you become aware of who had actually put out this mailing?

15 A: Now that would be, I'm trying to remember what  
16 date. I found out there was some information on the flyer  
17 from a phone call one night from the Bangor Daily News  
18 asking me some questions about a flyer. And I don't know  
19 what you're referring to and he's there's a flyer that  
20 came in on your behalf and there's a case that's being  
21 filed against you. And so, he was the first phone call  
22 that I got pertaining to the flyer or illegal something to  
23 do with a flyer or an advertisement on my behalf. So,  
24 later, I believe it was the same night I got a phone call  
25 from Mr. Paul Lavin.

1 Q: Oh, Paul Lavin of the Commission staff?

2 A: Yes, and what I learned from him I believe it was  
3 either that night that I learned from him or the next day  
4 that I found out that they were talking about this flyer  
5 here. That's when I started to get information as to at  
6 that time, I still didn't know where it came from.

7 Q: So, when did you first learn where it came from?  
8 I mean, I assume that the Bangor Daily News reporter, did  
9 that reporter tell you who had produced this ad?

10 A: No.

11 Q: No?

12 A: No.

13 Q: So, who told you who had produced the ad?

14 A: I - -

15 Q: I'm sorry, the mailer not the ad, excuse me?

16 A: I really couldn't tell you who told me first,  
17 because I talked to, when I talked to Mr. Lavin that night  
18 he told me that it had to do with a flyer and he told me  
19 that it had to do with something on Citizens for Effective  
20 Government, and I didn't know what that was. So, when he  
21 found out that I didn't know too much about it, I told him  
22 that all I know about this is what you're telling me. And  
23 he had disclosed quite a bit of information. So, the next  
24 day when I went back to work I went and I pulled the flyer  
25 out, but I still had no idea who had put it together. Not

1 until something came up with, in the legal aspect about  
2 somebody had been looking into who these people were. So,  
3 that's when I found out, but to tell you exactly when I  
4 can't.

5 Q: When did you first have a conversation with Jim  
6 Majka about this flyer?

7 A: Again, it would have to be, we were in the last  
8 days of the campaign and I wasn't spending too much time  
9 talking with, I really don't know. I can't answer that.

10 Q: Do you remember thanking Mr. Saucier for putting  
11 out the flyer?

12 A: Afterwards. That was after the election.

13 Q: Are you aware of how the flyer, did you learn how  
14 the flyer became, was paid for?

15 A: At the time I had no idea how the flyer was paid  
16 for.

17 Q: Did you, were you aware that, did you know  
18 whether either of your brothers, Norman or Kenneth Nadeau  
19 provided funds for the flyer?

20 A: At the time of the flyer, no.

21 Q: And have you been made aware since of whether  
22 they contributed funds for the flyer?

23 A: I have heard some stuff, but it's not stuff  
24 that's been confirmed or I haven't investigated this to  
25 deep. I said I know I'm going in for questioning and I'm



1 concerned with, I know what I know today without getting,  
2 I didn't want confused testimony with what I know now and  
3 versus what I knew at the time. So, I chose to when this  
4 was done then I'm going to go fact finding.

5 Q: So, have you asked either, I know that one of  
6 your brothers is now deceased. Did you ask, ever have a  
7 conversation with either of them asking if they  
8 contributed funds for this flyer?

9 A: After the fact, if you're asking me when did I  
10 know or when did I suspect that they had given some money.

11 Q: No, actually what I asked is, did you ever have a  
12 conversation with either one of them about whether they  
13 gave, contributed money to the cost of this mailing at any  
14 point in time?

15 A: Probably in the last two or three weeks. I  
16 talked to my brother Norman.

17 Q: Okay. And what did he tell you with respect to  
18 the question?

19 A: He told me that he had given some money to my  
20 brother Ken and that it was something that they were going  
21 to contribute towards the Republican party. And at that  
22 point he didn't make any specific, like it was for this or  
23 for anything else. Something that they wanted to do to  
24 motivate or encourage the Republican party as a whole.

25 Q: And not anything related to your particular race?

1           A:    Early in the campaign? My brothers never talked  
2           to me about the campaign. Early in the campaign my mother  
3           had approached me and wanted to do something for me, and I  
4           told her you can't. I can't take your money. I won't  
5           take your money. If you want to do something, you can  
6           donate to the Republican party. And anything that you do  
7           for the Republican party is indirectly going to help me  
8           anyway. And so that's what I told my mother and that's  
9           the last.

10          Q:    In your conversation with Norman, you said in the  
11          last few weeks, did he tell you how much he gave to?

12          A:    No, no.

13          Q:    Did you ask him whether the money, in fact, went  
14          to the Republican party?

15          A:    No.

16          Q:    At the time.

17          A:    Excuse me, could you ask that again?

18          Q:    Did you ask him whether the money that he gave to  
19          Ken, whether he knew whether it actually went to the  
20          Republican party?

21          A:    No, we didn't discuss that.

22          Q:    At the time you had this conversation with him, I  
23          take it was after the Commission, this Commission meeting  
24          in November in which Mr. Soucy had mentioned contributions  
25          from Kenneth and Norman Nadeau towards the cost of the

1 mailer, correct?

2 A: It was after that.

3 Q: Right. So, knowing what Mr. Soucy had said to  
4 this commission, did you ask your brother Norman whether  
5 he actually gave the money towards the cost of mailing?

6 A: I didn't get into those conversations with Norman  
7 or anybody else. And I think at the time I was thinking  
8 that the Commission, I hadn't met with them yet and there  
9 are some things I didn't care to know. It's like it  
10 really, what they did behind the scenes, did or didn't do,  
11 I'm not responsible for that. Anybody can go out and do  
12 the same things which I suspect others do, giving money to  
13 the campaign to the Republican party.

14 Q: Who is Ronaldo Thibeault, is he a relative or is  
15 a friend?

16 A: He's my step-father.

17 Q: He's your step-father?

18 A: Yes.

19 Q: Did you ever speak with him about this particular  
20 mailing?

21 A: No, no.

22 Q: Does your step-father Mr. Thibeault know Phil  
23 Soucy?

24 A: Yes, Phil was in the same town. Phil was selling  
25 investments but he also was - - phones, less expensive

1 phone systems and that was attracting customers so, but my  
2 parents have known Mr. Soucy for a long time.

3 Q: And your brothers knew Phil Soucy as well, Norman  
4 and Kenneth?

5 A: I couldn't say anything about that. I don't  
6 know.

7 Q: Do you know if your step-father actually  
8 contributed to this mailing?

9 A: I'm not sure how to answer that, because I know  
10 some things now that I didn't know back then.

11 Q: That's okay, you can be clear with me about the  
12 timing. I'm asking whether you know if now if he  
13 contributed to the cost of mailing?

14 A: I believe that now, my knowledge is now that I  
15 believe they gave some money to the Republican party.

16 Q: And what's the basis of your belief that they  
17 gave it to the Republican Party?

18 A: Conversations that I heard from family members  
19 when I went to the funeral.

20 Q: And that was your brother Kenneth's funeral,  
21 which was shortly after the election, is that correct?

22 A: Yes.

23 Q: Do you recall speaking with Julie Daigle at your  
24 business the week before the last issue of the, the week  
25 before the October 31 issue of the Fiddlehead Focus?

1           A: I'm not sure of the date, but I did have many  
2           conversations with Julie concerning ads and stories. And  
3           I was always looking for pricing.

4           Q: Do you, did you talk with her about taking an ad  
5           in the special edition issue of Fiddlehead Focus that was  
6           going to come out on Wednesday, the 31st?

7           A: I did express some interest. However, I backed  
8           away from that.

9           Q: Let me, okay, let me just take it step by step.  
10          You expressed an interest, she came to your business?

11          A: Yes.

12          Q: And you talked with her about possibly doing a  
13          business ad and a political ad, is that correct?

14          A: Yes.

15          Q: Okay, and she gave you some pricing information?

16          A: Yes.

17          Q: And how did you leave that conversation? You  
18          said you would think about or get back to her, or?

19          A: That I would get back to her.

20          Q: Okay. And did she tell you the deadline when she  
21          would need to hear from you in order to make it into that  
22          issue of the paper on the 31st?

23          A: She probably did.

24          Q: Did you write anything down from that  
25          conversation?

1           A: I always make little scratch notes, but the other  
2 part of that I usually, I've done business with the papers  
3 and so, I've known that usually Monday noon it's done so  
4 that's been something that's happened throughout the.

5           Q: And do you recall her trying to get in touch with  
6 you on Monday morning, or Monday just before that  
7 Wednesday edition, October 31st?

8           A: I don't remember particularly talking to her, but  
9 in those last days of the campaign there were days that I  
10 had 20 or 30 missed calls. I didn't have a chance to get  
11 back to them all, and I was still running the store. So,  
12 if I would have made a decision to not take the ad then I  
13 would not have pursued a call from her.

14          Q: Do you, so you don't recall whether you spoke to  
15 her or not on that day?

16          A: I can't say for sure.

17          Q: And you heard her testimony this morning and her  
18 clear recollection that she did speak to you on that day?

19          A: Yes.

20          Q: Do you have any reason to doubt the accuracy of  
21 what she's saying?

22          A: No, I don't, no, no.

23          Q: If you turn to Exhibit 32 briefly. Do you  
24 recognize this document?

25          A: Yes.

1 Q: And can you describe for us what it is?

2 A: It's the ledger, checkbook.

3 Q: Your checkbook register for the campaign account?

4 A: Yes.

5 Q: And it's obviously a Xerox of that document that  
6 you sent in to the Commission at some point?

7 A: Yes.

8 Q: And so at the top half of the page there,  
9 there's, I guess the third entry down Paper Signs Inc., I  
10 think the date is check 112, I guess, and I think the date  
11 is 10/22, am I reading that correctly?

12 A: Yes.

13 Q: Did you make a payment to Paper Signs Inc. that  
14 day of \$400?

15 A: Yes.

16 Q: And leaving a balance of \$418 in your account?

17 A: Uh-huh.

18 Q: And then the entry below that is dated October  
19 30<sup>th</sup>, is it?

20 A: Yes.

21 Q: Check number 113?

22 A: Yes.

23 Q: And what was that for?

24 A: That was a small package that I bought from  
25 Channel X radio, radio advertisement. That was one of the

1       only ones. It was getting towards the end of the campaign  
2       and they put on these spectacular number of spots for a  
3       lot less money in that last week.

4           Q:    Okay. So, you, that was \$396 leaving you with a  
5       balance of \$22 on the 30<sup>th</sup> of October, is that right?

6           A:    Yes.

7           Q:    So, you decided not to run the ad in the  
8       Fiddlehead Focus that you had talked to Julie Daigle  
9       about, correct, and why did you decide not to run that ad?

10          A:    Because I had talked with the publisher Andrew  
11       Burdin earlier and Andrew had given me some numbers on the  
12       figure's ahead of time and at that time I said, I'm  
13       looking to direct click to my website. So, that's why you  
14       see in that check number 111, Fiddlehead Focus \$180 and on  
15       the rest of the check you will find that I bought what  
16       they call a click button. So, when you would go to  
17       Fiddlehead Focus website I had a button that if you click  
18       on and it would go to my website, so all my messages would  
19       be there. So, it wasn't a hard move for me to not take  
20       the ad and just do the business ad instead.

21                   COMMISSIONER MCKEE: I apologize. I have  
22       to take a five minute break. My daughter is calling  
23       and she needs to do her homework. She can't play on  
24       the computer all afternoon. So, my apologies  
25       skipping directly to that. So, I have to take a five



1 minute break.

2 [OFF THE RECORD]

3 [ON THE RECORD]

4 COMMISSIONER MCKEE: All right, break over.

5 MS. GARDINER: Okay, yes.

6 COMMISSIONER MCKEE: Thank you.

7 Q: Okay. All right, we were, where we stopped was  
8 you had decided not to run the ad in the Fiddlehead Focus.  
9 If you turn to Exhibit 21, please. When did you and this  
10 is the copy of Fiddlehead Focus for October 31<sup>st</sup>, 2012 with  
11 an ad in support of your campaign on the right hand side.  
12 Says paid for by Jim Majka, correct?

13 A: Yes.

14 Q: When did you first see this ad?

15 A: When it came out in the paper.

16 Q: And did you have any awareness that this ad would  
17 appear in that paper?

18 A: No.

19 Q: Did Jim Majka talk to you at all about it?

20 A: No.

21 Q: Did you talk with Jim Majka after it appeared?

22 A: Yes.

23 Q: And what was that conversation?

24 A: I asked him what prompted him to do this and he  
25 told me that it was in response to all of the ads that he

1 saw out in the paper, and that there were no other ads in  
2 the paper. And as part of the discussion I said, well,  
3 Jim, there were others that were putting ads, because see  
4 the ad that we're focused on today is this one here, but  
5 there were dozens of others put in by other people at the  
6 same time. And so, I was surprised.

7 Q: Did you recognize the wording of the ad?

8 A: Well, it all has to do with the things that I  
9 stand for and the things that I've been running about for  
10 all the way through the campaign.

11 Q: If you turn to Exhibit 22, please? Do you  
12 recognize this document?

13 A: It's one of my scratch pads.

14 Q: Okay. And the writing at the top Fiddlehead ad  
15 by 3:00, is that your handwriting?

16 A: Yes.

17 Q: And is that referring to the deadline for getting  
18 the ad into the newspaper?

19 A: Yes. Those are notes that I wrote down.

20 Q: Okay. And the name Julie Daigle in the middle of  
21 the page, is that, did you write that on this page?

22 A: No.

23 Q: Do you know who's writing that is?

24 A: No, I don't.

25 Q: How about the writing, the text to the right of

1 where Julie Daigle's name appears? And it's text that's  
2 scratched out with a squiggly line, is that your  
3 handwriting?

4 A: Yes, it is.

5 Q: And the writing below that?

6 A: Yes, it is.

7 Q: Is yours as well. Okay. If you look at the  
8 handwriting that's not scratched out, the handwriting in  
9 the lower half of the page which you say is yours and  
10 compare that wording to the ad that appears in Exhibit 21.  
11 Is that language almost identical?

12 A: Pretty close, yes, if not.

13 Q: Okay. When did you write this text on Exhibit  
14 22, handwritten?

15 A: I was writing pages like this all the way through  
16 the campaign and this particular piece was for the website  
17 that when Jim would update my website. So, that's where  
18 this paper comes from. I would write, I had a legal pad  
19 going all the time. I gave Jim ads on notes like this  
20 every day that he came over to put into my website,  
21 mikenadeau.net. So, that's where this paper comes from.

22 Q: And when did you, so you, your testimony is that  
23 you gave this piece of paper to Mr. Majka?

24 A: Well, I gave it to him, yes, to put in the, on  
25 the web, because I had decided not to go with the paper.

1           Q:   And when did you give it to him to put on the  
2 web?

3           A:   I can only speculate, because I don't know  
4 exactly. I mean, I gave him so many papers that I can't  
5 tell you exactly when I gave him this paper.

6           Q:   Did you write this text originally thinking you  
7 would run it as an ad?

8           A:   Yes, I did, but I had not decided to put it in  
9 the paper, because I knew I didn't have the finances for  
10 it.

11          Q:   Do you believe that you wrote this language  
12 initially as text for an ad at or about the time you had  
13 the conversation with Julie Daigle about possibly running  
14 an ad in the October 31<sup>st</sup> special edition?

15          A:   It has to be in about that time, because that's  
16 when the other ad came up.

17          Q:   And.

18          A:   And I believe I have the same ad corresponding on  
19 the web. I'm not sure exactly the date, but it was in  
20 there relative close to the same time.

21          Q:   So, you're saying that this same text appeared  
22 in, on the website?

23          A:   I believe it did. I'm not 100% sure, because at  
24 times I did not have time to - - but that's what I had  
25 created this for.

1           Q:   When you said you created it initially as a  
2 possible ad?

3           A:   As a possible ad.

4           Q:   And changed your mind?

5           A:   Right.

6           Q:   And decided to put it on the web?

7           A:   I had created actually to put on the website.

8           Q:   And at around the same time you were also  
9 discussing with Julie Daigle possibly running an ad?

10          A:   Yes.

11          Q:   And the notation at the top ad by 3:00 on the  
12 same page is the page where you wrote this out, does that  
13 not suggest that you were thinking about running in the  
14 Fiddlehead Focus and knew you had to make a decision by  
15 that 3:00 deadline?

16          A:   It would suggest that, but it's not so.

17          Q:   And why do you say it's not so?

18          A:   Because I made the choice not to buy the ad,  
19 because I knew that I made some calls about finding out  
20 where I was at financially, and because some of the people  
21 that I had been working with had been giving me estimates  
22 on what some of the expenses were going to be. If you  
23 look at the check book you will see that I was writing  
24 even dollar checks because I hadn't had some invoices yet  
25 but I had estimates. So, I always rounded up so that I

1 knew if I wrote out checks that I would be safe at the  
2 end, and which exactly happened. I've done that practice  
3 that all my life.

4 Q: Well, is there any reason that the notation at  
5 the top Fiddlehead ad by 3:00 would appear on this piece  
6 of paper if you weren't considering, if you didn't write  
7 that at a time when you were considering possibly running  
8 this as an ad?

9 A: Because when Julie came to talk to me I grabbed  
10 the legal pads and I put a note Fiddlehead by 3:00. So,  
11 that if I'm going to do it that's when it has to be done.

12 Q: Okay. Did you see Jim Majka on that Monday of  
13 the week that this Fiddlehead Focus edition was coming  
14 out?

15 A: I couldn't tell you that for sure.

16 Q: What were the circumstances under which you say  
17 that you gave this piece of paper that's been labeled  
18 Exhibit 22 to Mr. Majka?

19 A: The same way that I have given him all the other  
20 papers to put ads on the website.

21 Q: And that was when he stopped by your store or did  
22 you go find him or?

23 A: No, no, he would stop by the store after he got  
24 off his bus runs. He'd ask me if I had anything to put up  
25 and I'd give him the sheets.

1 Q: Okay. So, when do you think you gave him this  
2 sheet?

3 A: I don't have an exact time for you, I just don't  
4 know.

5 Q: Do you know when it appeared on the website?

6 A: No, I couldn't tell you.

7 Q: Does your website have all of your campaign  
8 postings still on it, or archived in some way?

9 A: I can't be certain. I haven't looked, the only  
10 thing that I look at when I get on there is what's on - -  
11 and I haven't ever gone back to see what's in there.

12 Q: Do you recall speaking with representative, now  
13 Senator I guess, Andre Cushing regarding an ad related to  
14 your campaign?

15 A: Yes, I had a phone call.

16 Q: And what was the nature of that phone call?

17 A: It was to thank him for what, because I found out  
18 that he had to do with the Respect Maine group and that it  
19 was just a thank you for the support.

20 Q: Was that before or after the election?

21 A: I think it was on, it was before the election,  
22 because it was on a day that I got another name and I - -

23 Q: Do you recall discussing with Mr. Cushing the  
24 fact that people had come to you wanting to support your  
25 campaign?

1           A: No, I did not get into those details with Mr.  
2           Cushing.

3           Q: Did he give you any advice or guidance about what  
4           people could do if they wanted to support your campaign?

5           A: We didn't discuss the campaign. He asked me how  
6           things were going and it was a small chit chat. See, I  
7           didn't know him well enough to, I didn't know who he was  
8           and so what kind of information or opinions am I going to  
9           ask him. I don't know who he is. So, no.

10          Q: Did you, did anyone ever discuss with you the  
11          possibility of forming a political action committee to  
12          support your candidacy?

13          A: Not particularly for my candidacy, no. But a  
14          political action committee for the valley as a whole to  
15          restructure what had been falling apart in the last twenty  
16          or thirty years.

17          Q: Did any, you mentioned that your mother had once  
18          had a conversation with you asking what she could do to  
19          support your campaign?

20          A: Right.

21          Q: Did you have conversations with any other  
22          individuals or groups about how they could support your  
23          campaign?

24          A: Say that again.

25          Q: Did you have conversations with any other



1 individuals besides your mother or groups about how they  
2 could contribute to your campaign, not as a volunteer, I'm  
3 speaking in terms of ads or mailers or something that  
4 would cost money?

5 A: No, I gave them instructions, I gave people if  
6 you want to do something, you want to do something for the  
7 campaign give to the Republican party. And that I did so  
8 quite often, because I had a lot of offers.

9 MS. GARDINER: Mr. Wayne's just going to  
10 pick up and finish off our questions.

11 DIRECT EXAMINATION

12 BY MR. JONATHAN WAYNE

13 Q: Did your campaign rent office space?

14 A: Yes, we did.

15 Q: And who was the landlord?

16 A: Dr. Rodney Larren.

17 Q: And what was the term of the lease? How long?

18 A: It was two or two and a half months or something  
19 like that.

20 Q: And when Dr. Larren provided you with this space,  
21 did it come with office furniture?

22 A: There were a few pieces of chairs and folding  
23 tables in there, but we didn't use that.

24 Q: What did you use for office furniture?

25 A: I have a collection of folding chairs that I've

1 had for years, and tables, tables somewhat like this one  
2 here. And I brought I believe two or three tables and  
3 some chairs.

4 Q: In your conversation with Andre Cushing did you  
5 tell him that people had come to you and wanted to give  
6 you money for your campaign?

7 A: I couldn't tell you if I said that, I just don't  
8 remember. The only reason I called him was to thank him.  
9 I would be speculating as to possibilities.

10 Q: Okay. Well, I'm just asking if you said that to  
11 him?

12 A: I'll say no.

13 Q: Do you know or do you remember?

14 A: I don't remember.

15 Q: Did you ask whether the money of these people  
16 could be given to the respective Maine pac or the Respect  
17 Maine Pac to do a mailing?

18 A: I don't remember - - no, I didn't ask him that,  
19 no.

20 Q: And do you remember it or?

21 A: No, I don't remember it, I'm sorry.

22 Q: Do you remember receiving any advice from him  
23 about how you could not coordinate other people who wanted  
24 to spend money to help you?

25 A: I don't remember that.

1 Q: You don't remember that kind of advice from him?

2 A: No.

3 Q: Do you know Leroy Martin?

4 A: Yes.

5 Q: And what business is he associated with?

6 A: Logging.

7 Q: Did he provide any money that you know of to  
8 promote you as a candidate?

9 A: He told me that he was going to support the  
10 Republican Party.

11 Q: Did he say anything else about the subject?

12 A: No.

13 Q: Do you know whether he actually did give any  
14 money to the Republican Party?

15 A: I did not ask him. I can't tell you - - because  
16 it wouldn't go through me.

17 Q: Did he give you any money for a purpose?

18 A: No.

19 Q: Do you remember going into his office in early  
20 October and asking his bookkeeper whether he had a check,  
21 whether the bookkeeper had a check for you?

22 A: No, I remember walking in to his office and  
23 talking to his bookkeeper, but not looking for money. I  
24 was looking for Leroy

25 Q: Looking for Leroy?

1 A: Yes.

2 Q: Did you receive any money from Leroy Martin in  
3 the past couple months for any purpose at all?

4 A: My store has, but not myself.

5 Q: Is that.

6 A: I do business with Mr. Martin on a monthly basis,  
7 continual basis.

8 Q: Could you just describe the nature of the  
9 business?

10 A: He buys bars and chains for his logging  
11 equipment. He buys stuff from me, he's got an ongoing  
12 account that he's had with me for twenty-five years.

13 Q: How does he pay Mike & Sons when makes a payment?

14 A: Checks.

15 Q: Are they generally mailed to you, how do you  
16 receive the checks?

17 A: I receive them numerous ways. Sometimes I've  
18 received them at the coffee table.

19 Q: Do you know Monique Curtler?

20 A: Yes.

21 Q: Did she volunteer for your campaign?

22 A: Yes.

23 Q: Did she make phone calls for your campaign?

24 A: Yes.

25 Q: Was she paid by anyone to make those calls?

1 A: No, she was a volunteer.

2 Q: Strictly volunteer?

3 A: Yes.

4 Q: Do you know Bob Berube?

5 A: Yes.

6 Q: Were you aware that Bob Berube purchased  
7 advertisements in newspapers to promote you?

8 A: Yes, I saw that.

9 Q: Are you aware of where Mr. Berube got the money  
10 for those advertisements?

11 A: No. I know Mr. Berube, but I don't know him close  
12 relation. I know who he is. As far as money, no.

13 MR. WAYNE: I don't have any more  
14 questions.

15 COMMISSIONER MCKEE: I'd like to ask, Mr.  
16 Woodcock, did you want to ask your client any  
17 questions at all at this point?

18 MR. WOODCOCK: Maybe just a couple.

19 CROSS EXAMINATION

20 BY MR. TIMOTHY WOODCOCK

21 Q: With respect to Mr. Soucy, you testified earlier  
22 that he had been around the Republican politics for a long  
23 time, is that right?

24 A: Yes.

25 Q: In this particular campaign, the 2012 election to

1 your knowledge was he involved in other campaigns?

2 A: Yes.

3 Q: And what do you know about that?

4 A: Well, he did the same thing for them as he did  
5 for me. Driving people to go door to door, and putting  
6 out signs.

7 Q: And was he generally involved in promoting  
8 Republican candidates to your knowledge?

9 A: All the time.

10 Q: Did you actually, to your understanding, did you  
11 put together a committee to promote your candidacy?

12 A: No committee.

13 MR. WOODCOCK: That's all I have.

14 COMMISSIONER MCKEE: Commissioners?

15 Questions form the Commissioners?

16 CROSS EXAMINATION

17 BY MR. MICHAEL HEALY

18 Q: Mr. Nadeau, are you aware that Mr. Saucier  
19 testified by telephone in front of this commission on  
20 November 5<sup>th</sup>, 2012?

21 A: Yes.

22 Q: Have you read the minutes of this Commission's  
23 minutes of that meeting?

24 A: No.

25 Q: So, have you ever been provided a report of what

1 he testified to at that time?

2 A: I do not have a report.

3 Q: So, you have no knowledge of what his testimony  
4 was before us?

5 A: No.

6 Q: At this point. In regards to, I think that's it.

7 COMMISSIONER MCKEE: Other commissioners?

8 Any questions of Mr. Nadeau? Any follow up questions  
9 based on that?

10 MR. WAYNE: Just one.

11 REDIRECT EXAMINATION

12 BY MR. WAYNE

13 Q: Were you with Mr. Soucy at the time he provided  
14 testimony to the commission previously? Were you in his  
15 presence?

16 A: No.

17 Q: Thank you.

18 MR. HEALY: I have one more question.

19 COMMISSIONER MCKEE: Sure.

20 RECROSS EXAMINATION

21 BY MR. HEALY

22 Q: Other than appointing Mr. Soucy as your treasurer  
23 when you registered as a candidate, did you ever authorize  
24 him to be your agent in any form whatsoever?

25 A: No.

1 COMMISSIONER MCKEE: No other questions?  
2 All right, thank you. You can step down now, we're  
3 going to, I think we've concluded with the testimony.  
4 Why don't we talk about where we're going to go from  
5 here. We had discussed, or at least we were going to  
6 have conclude everything today because it's taken  
7 into consideration and apply some thought to Mr.  
8 Soucy's assertion of the 5<sup>th</sup> and right to counsel and  
9 what effect that might have on what we're doing.

10 And I guess I'd like, I'm not really in a  
11 position to have to make a determination about  
12 anything. I'd like a chance to think about this.  
13 I'd like, Phyllis you have an opportunity to go  
14 through that and figure out how that deals with Mr.  
15 Soucy and only Mr. Soucy. And then, take into  
16 account what we just heard from Mr. Nadeau.

17 So, I guess just thinking out loud here.

18 COMMISSIONER HEALY: Could I question?

19 COMMISSIONER MCKEE: Go ahead.

20 COMMISSIONER HEALY: It's my understanding  
21 correctly that in terms of this Commission making a  
22 decision we can't rely on Mr. Soucy's testimony given  
23 on November 5<sup>th</sup> and transcribed in this minutes?

24 MS. GARDINER: No, it's not my  
25 understanding that you can't rely on it.



1                   COMMISSIONER HEALY: You can or you can, or  
2 we can't?

3                   COMMISSIONER MCKEE: That is evidence that  
4 need to consider.

5                   MS. GARDINER: You did receive it and no  
6 one has raised any objections to that.

7                   COMMISSIONER HEALY: Yes, the weight we  
8 want to give to it is up to us as fact finders?

9                   MS. GARDINER: Right. In fact, I should  
10 clarify the record that my understanding is neither  
11 counsel for Mr. Soucy nor for Mr. Nadeau had any  
12 objections to the exhibits, and they should formally  
13 introduce them into the record. We've been treating  
14 them as introduced, but they should really formal and  
15 that includes the minutes.

16                  COMMISSIONER MCKEE: I understand, we'll  
17 accept those into the record as exhibits given by the  
18 parties. All right, have we concluded this part now  
19 and we will return at the next meeting to make a  
20 determination based on the information we've  
21 received, and may take additional information at the  
22 next meeting.

23                  MR. WAYNE: Well, we might, I'd like to  
24 confer with Paul Lavin and Phyllis Gardiner to decide  
25 whether or not the staff would, what further

1 investigation we might need to conduct, if that  
2 acceptable to the Commission?

3 COMMISSIONER MCKEE: But certainly you can  
4 do that in between now and the time of the next  
5 meeting?

6 MR. WAYNE: We would do our best to have  
7 that concluded.

8 COMMISSIONER MCKEE: Sure, I want you to  
9 have the opportunity to do that based on a little bit  
10 of a wrench in the works today.

11 COMMISSIONER HEALY: When is the next  
12 meeting?

13 COMMISSIONER MCKEE: I think it's February  
14 27<sup>th</sup> and I just remembered that there's a problem for  
15 that date for a couple of Commissioners. Two were  
16 traveling and one couldn't.

17 MALE VOICE: On that date?

18 MR. WAYNE: Yes. It seemed like we wanted  
19 that date settled, and so I'm consider it to be  
20 settled. On the other hand, giving the importance of  
21 this we could look at different dates if you want to,  
22 but if they don't mind we can just stay with the 27<sup>th</sup>.

23 COMMISSIONER MCKEE: Why don't we stay with  
24 it for now. If we want to talk about moving it then,  
25 depends on where we are I think in terms of what

1 additional evidence you - - make a determination.

2 MR. WAYNE: Yes.

3 COMMISSIONER MCKEE: All right. So, have  
4 we done what we need to do today on this? Was there  
5 anything else that we should do on this issue today?

6 MR. WAYNE: If we, I just want to know,  
7 what kind of latitude we have in terms of further  
8 steps in our investigation? Whether it's proper for  
9 me to converse with the chair about our next steps,  
10 or is that not necessary, and?

11 COMMISSIONER MCKEE: Well, no, I think you  
12 should. I think you should, you can talk to Phyllis  
13 and decide and talk to Paul as well, figure out  
14 whether you want any additional information and  
15 perhaps we could talk about what the views are about  
16 how we should have the next hearing, the next  
17 meeting.

18 MR. WAYNE: Okay. There's no problem with  
19 me communicating with the chair in between meetings  
20 regarding the next steps in the investigation?

21 MS. GARDINER: No, I think that's the  
22 Commission's wish, I think that's certainly, I think  
23 the issue is you know if the staff does some  
24 additional fact finding and wants to recommend that  
25 you hear testimony from other individuals then we

1 would bring them to the chair, presiding officer to  
2 decide if you feel that's appropriate. And we would  
3 schedule some hearing time at the next board. It  
4 might be just some additional fact gathering and  
5 determine it wasn't necessary to get other witnesses.  
6 Is that so? I think that's the kind of latitude  
7 that, because once the matter's gotten to the  
8 Commission levels, the Commission controls the  
9 investigation. So, whatever latitude you want to  
10 give the staff it's helpful if you can be express  
11 about it, so that it's clear.

12 COMMISSIONER HEALY: It's my personal  
13 opinion is that the staff wants further opportunity  
14 to present evidence on this matter, we should  
15 accommodate that.

16 COMMISSIONER MCKEE: I agree.

17 COMMISSIONER HEALY: And I'm in favor of  
18 that. However, I think the matter should be, if they  
19 do not want to provide further evidence, I think the  
20 matter should be decide as promptly as possible.

21 COMMISSIONER MCKEE: I agree.

22 COMMISSIONER HEALY: And just so we don't  
23 go another full week without going back in our minds  
24 what we heard today, and so I'm prepared to go either  
25 way if the staff wants more time, I think it should

1 be granted. And if they don't, I'm prepared to  
2 discuss and make decisions.

3 COMMISSIONER MCKEE: Well, I want to give  
4 them an opportunity to decide that.

5 COMMISSIONER HEALY: Well, I agree, I  
6 agree.

7 COMMISSIONER MCKEE: Yes.

8 COMMISSIONER HEALY: If that's something  
9 they can decide today I don't know. If not, then we  
10 can just let it hang and you and the staff work it  
11 out with you.

12 MR. WAYNE: Could we take a short break  
13 and?

14 COMMISSIONER HEALY: Can we have a two  
15 minute break?

16 MR. WAYNE: Yes, and I'll confirm with.

17 COMMISSIONER MCKEE: Sure.

18 [OFF THE RECORD]

19 [ON THE RECORD.]

20 COMMISSIONER MCKEE: You've had a chance to  
21 confer?

22 MR. WAYNE: Yes. We did and we'd like to  
23 suggest not making any kind of legal determination  
24 today, because we think there are some investigation,  
25 we'd like to move forward with. It may include

1 testimony from other witnesses at your February  
2 meeting. I know some of you want to move forward and  
3 not wait, but.

4 COMMISSIONER MCKEE: No, I think we also.

5 MR. WAYNE: We think there's more evidence  
6 out there.

7 COMMISSIONER MCKEE: Trust your judgment  
8 about what the appropriate way is to proceed in light  
9 of what you've heard today. And I think we're fine  
10 doing that.

11 MR. WAYNE: We have one request we'd like  
12 to make of Mr. Nadeau. Can I go ahead and do that?

13 COMMISSIONER MCKEE: Sure.

14 MR. WAYNE: We wondered if you could  
15 determine whether or not the language that was on  
16 Exhibit 22 has been posted to your website. And if  
17 so could you - - so what we're asking is, could you  
18 determine whether or not the language in Exhibit 22  
19 has been posted to the website or it was posted.

20 MS. GARDINER: Prior to the election.

21 MR. WAYNE: Was posted to the website prior  
22 to the election or the Facebook page. And if so,  
23 could you please provide us with a copy of that page.  
24 If you give it to us in a paper format, we might  
25 investigate whether there was any way we can get it

1 and then, in an electronic form. I mean, I think for  
2 starters a paper format is fine, if it was in fact  
3 posted to the website.

4 MR. NADEAU: - -

5 COMMISSIONER MCKEE: What's that?

6 MR. WAYNE: You could email that would be  
7 fine, too.

8 [crosstalk]

9 COMMISSIONER MCKEE: We're going to take  
10 some additional testimony. I know Commissioner  
11 Healy's not going to be here. I know Commissioner  
12 Duchette's not going to be here.

13 MS. AMERO: I'm not going to be here either.

14 COMMISSIONER MCKEE: Commissioner Amero.

15 MS. AMERO: I could call in, though.

16 COMMISSIONER HEALY: Could I make a  
17 suggestion that we give the staff a reasonable period  
18 of time to decide whether they want to call more  
19 witnesses or not.

20 COMMISSIONER MCKEE: Yes.

21 COMMISSIONER HEALY: And if they decide not  
22 to, let you know so that we can have a date hopefully  
23 before then to decide this case.

24 COMMISSIONER MCKEE: Understood.

25 COMMISSIONER HEALY: And if we do, then

1           there's probably going to have to be continued for  
2           some time afterwards, depending on the dates that  
3           people are available.

4                   COMMISSIONER MCKEE:   True.   I think we need  
5           to get things moving.

6                   MS. GARDINER:    Sure.

7                   COMMISSIONER MCKEE:   The case moving and we  
8           owe to Representative Nadeau to get this resolved.

9                   MS. GARDINER:    Yes.

10                   MR. WAYNE:   If I can, this doesn't have to  
11           be resolved today, I just want to make sure that in  
12           doing the scheduling we make sure that Mr. Nadeau's  
13           attorney has an opportunity to make legal arguments  
14           after all of the evidence, because I know.

15                   COMMISSIONER MCKEE:   No, I want to hear.

16                   MR. WAYNE:   Yes, I mean, so if we combine  
17           too much from one meeting.

18                   COMMISSIONER MCKEE:   I absolutely want to do  
19           that. So, we'll go from there.

20                   MR. WAYNE:   Yes.

21                   MALE VOICE:   Well, whatever meeting it is,  
22           put this first.

23                   MS. GARDINER:    Yes.

24                   MR. WAYNE:   Yes.

25                   COMMISSIONER MCKEE:   All right.



1 MR. WAYNE: Thank you.

2 MALE VOICE: Thank you, have a good day.

3 [END OF HEARING]

C E R T I F I C A T E

I, Kristina Wagstaff, certify that the foregoing transcript of proceedings in the State of Maine Commission on Governmental Ethics and Election Practices, in the matter of Campaign Spending in Main House of Representatives, District One, was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

January 26, 2013

C E R T I F I C A T E

I, Linda Bacheller certify that the foregoing transcript of proceedings in the State of Maine of Commission on Ethics and Election Practices was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Signature:

Date: January 27, 2013